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JOURNAL

OF

THE NINTH SESSION

OF THE

Senate of the State of California,

BEGUN ON

THE FOURTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND
FIFTY-EIGHT, AND ENDED ON THE TWENTY-SIXTH DAY OF APRIL,
ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT,
AT THE CITY OF SACRAMENTO.

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1858.

JOURNAL

OF THE

SENATE OF THE STATE OF CALIFORNIA

1850

THE SENATE OF THE STATE OF CALIFORNIA, BEING THE FIRST SESSION, COMMENCED AT THE CITY OF SACRAMENTO, ON THE 13TH DAY OF JANUARY, 1850.

PUBLISHED BY THE SENATE.

AND

BY THE STATE OF CALIFORNIA.

1850

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

THE YEAR

PROCEEDINGS OF THE SENATE

CALIFORNIA LEGISLATURE---IN SENATE.

NINTH SESSION.

SENATE CHAMBER, MONDAY, January 4, 1858.

Pursuant to the provisions of the constitution, the Senate was called to order at 12 o'clock, M., by Hon. R. M. Anderson, Lieutenant Governor.

The roll of the Senators holding over was called by the secretary, and the following gentlemen answered to their names, to wit:

Messrs. Bell, Carpenter, Chase, Ferguson of Sierra, Goodwin, Johnson of Sacramento, Johnson of El Dorado, Merritt, Melony, Soule, Sullivan, and Taliaferro.

By direction of the president, the roll of the senators elected was next called, whereupon the following gentlemen answered to their names, came forward, presented their credentials, and subscribed the oath of office, as administered by the Hon. Judge Barbour, to wit:

Messrs. Anderson, Allen, Burch, Baker, Benton, Coulter, Dickinson, Ferguson, of Sacramento, Garter, Grant, Gregory, Griffith, Hamm, Holden, Ketchum, Lewis, Pacheco, Phelps, Rogers, Thom.

Messrs. Mesick and Hart were absent.

The certificate of election and resignation of David Colton, as senator elect from the twelfth senatorial district, was read by the secretary.

Mr. Burch presented a communication from the county clerk of Del Norte, together with the credentials of Mr. Berry, of the twelfth senatorial district, which was read.

Mr. Burch moved that a committee of three be appointed to investigate, which was, after some discussion, withdrawn.

On motion of Mr. Goodwin,

Mr. Berry was, by unanimous vote of the Senate, admitted to his seat.

Whereupon, Mr. Berry came forward and subscribed the oath of office, as administered by Hon. Judge Barbour, and took his seat.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That the standing rules of the last Senate be adopted by this Senate, until further ordered, and that a committee of three be appointed by the president to report suitable rules for the government of this body.

The president appointed Messrs. Merritt, Benton and Melony said committee. Mr. Taliaferro moved to adjourn till to-morrow, at 12 o'clock, M.

Lost.

On motion of Mr. Burch, the Senate adjourned till to-morrow, at 11 o'clock.

GEO. S. EVANS, Secretary.

Approved, January 5, 1856.

R. M. ANDERSON,

President of the Senate.

IN SENATE.

TUESDAY, January 5, 1858.

Senate met pursuant to adjournment—the president in the chair.

Roll called.

Absent, senators Ferguson of Sierra, and Mesick.

Mr. Hart, of Plumas, presented his credentials and was sworn in by the president of the Senate.

The journals of yesterday were read and approved.

Mr. Rogers offered the following resolution which was adopted:

Resolved, That the Senate proceed to the election of officers, in the following order:

1. President *pro tem*.
2. Secretary.
3. Assistant Secretary.
4. Enrolling Clerk.
5. Engrossing Clerk.
6. Sergeant-at-Arms.
7. Door-Keeper.

The Senate then went into an election for officers.

Mr. Johnson, of Sacramento, nominated S. A. Merritt, of Mariposa, for the office of president *pro tem*. of the Senate.

Mr. Grant nominated Eugene L. Sullivan, of San Francisco.

Nominations being closed the roll was called, with the following result:

Those who voted for Mr. Merritt were, Messrs. Anderson, Allen, Baker, Berry, Burch, Carpenter, Chase, Coulter, Dickinson, Garter, Goodwin, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Rogers, Taliaferro and Thom—25.

Those who voted for Mr. Sullivan were, Messrs. Bell, Grant, Phelps and Soule—4.

Mr. Merritt having received a majority of all the votes cast, was declared duly elected president *pro tem*. of the Senate.

Mr. Rogers nominated Thomas N. Cazneau for secretary.

Mr. Soule nominated C. A. Sumner.

Nominations being closed the roll was called, with the following result:

Those who voted for Mr. Cazneau were, Messrs. Anderson, Allen, Baker, Berry, Burch, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Gregory, Griffith, Harmon, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro and Thom—28.

Those who voted for Mr. Sumner were, Messrs. Grant, Phelps, Soule and Sullivan—4.

Mr. Cazneau having received a majority of all the votes cast, was declared duly elected secretary of the Senate.

Mr. Burch nominated James T. Ewing, for assistant secretary.

There being no other nominee, the roll was called with the following result:

Those who voted for Mr. Ewing were, Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Soule, Taliaferro and Thom—31.

Mr. Ewing having received the whole number of votes cast, was declared duly elected assistant secretary of the Senate.

Mr. Merritt nominated J. T. Shipman for enrolling clerk.

There being no other nominations, the roll was called with the following result:

Those who voted for Mr. Shipman were, Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Soule, Taliaferro and Thom—31.

Mr. Shipman having received all the votes cast, was declared duly elected enrolling clerk of the Senate.

Mr. Chase nominated Louis Bartlett for engrossing clerk.

There being no other nomination the roll was called, with the following result:

Those who voted for Mr. Bartlett were, Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Soule, Taliaferro and Thom—31.

Mr. Bartlett having received the whole number of votes cast, was declared duly elected engrossing clerk of the Senate.

Mr. Griffith nominated James W. Hawkins for sergeant-at-arms.

Mr. Sullivan nominated J. Grammar.

There being no other nominations the roll was called, with the following result:

Those who voted for Mr. Hawkins were, Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro and Thom—29.

Those who voted for Mr. Grammar were, Messrs. Grant, Phelps, Soule and Sullivan—4.

Mr. Hawkins, having received a majority of all the votes cast, was declared duly elected sergeant-at-arms of the Senate.

Mr. Goodwin nominated John McGlenchy for door-keeper.

Mr. Phelps nominated J. R. Worthly, of San Francisco.

There being no other nominations, the roll was called with the following result:

Those who voted for Mr. McGlenchy were, Messrs. Anderson, Allen, Baker,

Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro and Thom—29.

Those who voted for Mr. Worthly were, Messrs. Grant, Phelps, Soule and Sullivan.—4

Mr. McGlenchy, having received a majority of all the votes cast, was declared duly elected door-keeper of the Senate.

On motion of Mr. Rogers, the officers elect then came forward and subscribed the oath of office as administered by the president of the Senate.

Mr. Rogers offered the following resolution, which was adopted :

Resolved, That the secretary of the Senate be requested to inform the House that the Senate has organized by the selection of permanent officers, and is ready to proceed with legislative business.

Mr. Burch offered the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in joint convention on Thursday the seventh of January, A. D. 1858, at one o'clock P. M., for the purpose of opening and publishing the vote had for Governor and Lieutenant Governor at the September election, 1857.

Mr. Ferguson of Sacramento, gave notice that at an early day he would introduce a bill to amend an act to regulate proceedings in civil cases in the courts of justice in this state, providing for the repeal of the present attachment law, and a substitute therefor.

Also, a bill to amend the present swamp and overflowed land bill of this state.

Mr. Bell gave notice that at an early day he should introduce a bill commonly known as the usury bill.

Mr. Griffith offered the following resolution, which was adopted :

Resolved, That the sergeant-at-arms of the Senate be directed to procure from the state library the Senate and Assembly Journals of 1857, and Wood's Digest, for the use of each member of the Senate.

Mr. Goodwin then moved to adjourn, which was lost.

Mr. Rogers gave notice that he would, at an early day, introduce a bill to amend an act entitled an act to build a jail in the county of Tuolumne.

Mr. Allen gave notice that he would, on to-morrow or at an early day thereafter, introduce a bill for an act to regulate the interest of money in this state.

Mr. Grant gave notice that he would, at an early day, introduce a bill for an act to regulate the fees of certain officers in the city and county of San Francisco.

Mr. Ferguson of Sacramento moved to adjourn, which was lost.

Mr. Griffith gave notice that he would, at an early day, introduce a bill for an act granting pre-emption rights to actual settlers upon the public lands belonging to this state.

Mr. Holden gave notice that at an early day he would introduce a bill for an act to provide for the location and sale of the balance of the five hundred thousand acres of land granted to this state for school purposes.

Mr. Soule gave notice that he would, at an early day, introduce a bill to repeal an act entitled "an act to regulate fees in office, approved April 10th, 1855," approved April 5th, 1856, and to revive the act thereby repealed.

Also, an act to authorize the board of supervisors to allow the auditor to audit and the treasurer to pay the claims of the late dockmasters of the city and county of San Francisco.

Mr. Bell gave notice that he would introduce a bill establishing a university of learning in and for this state.

Mr. Johnson, of Sacramento, gave notice that at an early day he would introduce a bill to consolidate the government of the city and county of Sacramento.

On motion of Mr. Pacheco, the Senate adjourned until to-morrow at 11 o'clock, A. M.

Approved January 6th, 1858.

SAML. A. MERRITT, President *pro tem.* Senate.

Attest: T. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, January 6, 1858.

Senate met pursuant to adjournment, the president *pro tem.* in the chair.

Roll called.

Absent, Messrs. Mesick and Ferguson, of Sacramento.

Journals of yesterday read and approved.

On motion of Mr. Chase, Mr. Ferguson of Sierra, was granted leave of absence for one day.

On motion of Mr. Goodwin, Mr. Mesick was granted leave of absence for the remainder of the week.

On motion of Mr. Burch, the resolution to go into joint convention to count and publish the votes for Governor and Lieutenant Governor, passed yesterday, was reconsidered.

Mr. Burch then moved to amend the resolution by striking out "Thursday" and inserting "Wednesday," which was carried.

The resolution as amended was then adopted.

Mr. Gregory gave notice that at an early day he would introduce a bill entitled "An act to amend an act entitled an act to exempt the homestead and other property from forced sale in certain cases."

Mr. Allen gave notice that at an early day he would introduce a joint resolution, instructing our Senators and requesting our Representatives in Congress to procure a modification of the pre-emption law for the state of California.

Mr. Anderson gave notice that he would at an early day introduce the following bills:

First, an act to separate the offices of county recorder, county auditor, clerk of the board of supervisors and the board of equalization, from the office of county clerk in the county of Placer.

Also, a bill concerning the office of county clerk of Placer county.

Also, a bill to separate the collecting of taxes from the office of sheriff, and to create the office of tax collector, in the county of Placer.

Also, a bill proposing amendments to article sixth and other portions of the constitution of California.

Mr. Holden gave notice that he would, on to-morrow, introduce a bill for an act to appropriate money for postage and express purposes during the present session of the Legislature.

Mr. Goodwin gave notice that on to-morrow, or on some subsequent day, he would introduce a bill entitled an act to amend the constitution of the state of California.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have organized by the election of the following officers:

Speaker,	-	-	-	-	-	-	N. E. Whitesides.
Chief Clerk,	-	-	-	-	-	-	J. W. Scobey.
Assistant Clerk,	-	-	-	-	-	-	J. N. Bingay.
Sergeant-at-Arms,	-	-	-	-	-	-	James F. Quin.
Enrolling Clerk,	-	-	-	-	-	-	E. J. Mitchell.
Engrossing Clerk,	-	-	-	-	-	-	Wm. McConnell.
Door-Keeper,	-	-	-	-	-	-	A. F. Wagner.

And that the Assembly is now ready to proceed with the business of the session.

Also, have adopted the following concurrent resolution:

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to wait upon the Governor and inform him of the organization of the two houses, and that they are ready to receive any communication he may be pleased to make, and have appointed Messrs. Crane, Briggs and Curtis said committee on the part of the House. They have also appointed Messrs. Safford, Anderson, Lee, Havens and Stakes, a committee on joint rules, to act with a similar committee on the the part of the Senate.

J. W. SCOBEEY, Clerk.

On motion, the Assembly concurrent resolution was concurred in, and Messrs. Ferguson of Sacramento, Dickinson and Allen, appointed as the committee on behalf of the Senate.

The president appointed the following senators as a committee to act with a like committee on the part of the House on joint rules: Messrs. Taliaferro, Burton, Rogers, Griffith, and Thom.

Mr. Griffith offered the following resolution:

Resolved, That the sergeant-at-arms of the Senate be directed to furnish each member of the Senate with five daily papers published in this state, or their equivalent in weeklies.

Mr. Goodwin moved to strike out "five" and insert "three."

Mr. Burch moved to amend the amendment by inserting "four."

A division of the question being called for and sustained, the question was first put upon striking out, and carried.

The question being first upon inserting "three," was put and lost.

The question then recurring upon inserting "four" was put and carried; and the resolution, as amended, was then adopted.

The following message was received from the Assembly:

ASSEMBLY CHAMBERS, }
January 6, 1858. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have this day concurred in Senate concurrent resolution to go into joint convention for the purpose of opening the vote for Governor and Lieutenant Governor.

J. W. SCOBEEY, Clerk.

On motion of Mr. Burch, the Senate took a recess until ten minutes of one o'clock.

Senate re-assembled at the hour appointed.

Roll called.

The following message was received from the Assembly:

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly are now ready to meet in joint convention.

J. W. SCOBEEY, Clerk.

On motion of Mr Burton, the Senate proceeded to the Assembly chamber pursuant to concurrent resolution heretofore adopted to meet in joint convention.

Mr. Merritt, president *pro tem.*, in the chair.

Senate roll called.

Assembly roll called.

Mr. Taliaferro moved the appointment of two tellers, one from each House, which was adopted.

The president of the Senate appointed, on the part of the Senate, Mr. Burton, and the speaker of the Assembly, on the part of the House, Mr. Lewis.

The returns being opened, the president announced the following result :

VOTE FOR GOVERNOR.

Counties.	Weller.	Stanly.	Bowie.
Yolo,	521	173	419
Napa,	765	224	18
Colusa,	321	37	178
Tuolumne,	3,133	1,307	1,064
Yuba,	2,135	717	1,012
Fresno,	276	1	.....
Tulare,	404	23	4
Calaveras,	2,603	505	688
Solano,	923	329	257
San Francisco,	4,430	5,535	361
Plumas,	1,460	199	236
Santa Barbara,	469	3	2
Trinity,	901	118	709
San Luis Obispo,	225	55	.....
Mariposa,	1,217	152	441
Monterey,	509	91	20
Stanislaus,	419	8	130
Merced,	259	9	13
Tehama,	563	41	225
Santa Clara,	1,298	891	37
Del Norte	310	67	62
Siskiyou	2,425	331	1,212
Nevada,	2,956	967	1,606
Santa Cruz,	450	265	67
Placer,	1,978	715	1,424
San Diego,	207	1	.....
Contra Costa,	532	207	73
Sacramento.	2,518	1,844	2,092
San Joaquin,	1,549	394	602
Butte,	2,341	1,043	853
Sierra,	2,555	473	1,860
Amador,	1,619	492	997
Marin,	444	188	2
Los Angeles,	1,304	82	15
Humboldt,	366	178	.....
San Mateo,	229	190	1
Sonoma,	1,742	521	262

Sutter,	550	181	97
Shasta,	1,406	119	720
Alameda,	784	945	14

Scattering:—Santa Clara, 2; Sutter, 3; Shasta, 3; Alameda, 3.

The tellers having counted, the president announced the whole number of votes cast for Governor to be 86,440 :

For John B. Weller,	49,096
For Edward Stanly,	19,621
For G. W. Bowie,	17,723

VOTE FOR LIEUTENANT GOVERNOR.

	Walkup.	Cheeseman.	Raymond.
Yolo,	605	124	387
Napa,	814	160	21
Colusa,	336	22	179
Tuolumne,	3,213	1,132	1,159
Yuba,	2,325	516	1,056
Fresno,	274	1	.....
Tulare,	414	2	.....
Calaveras,	2,801	332	692
Solano,	994	259	256
San Francisco,	4,890	5,105	335
Plumas,	1,495	158	212
Santa Barbara,	470	.....	.....
Trinity,	965	82	708
San Luis Obispo,	227	55	.....
Mariposa,	1,243	113	452
Monterey,	525	79	20
Stanislaus,	428	2	127
Merced,	272	.....	.....
Tehama,	577	34	216
Santa Clara,	1,414	787	29
Del Norte,	315	63	63
Siskiyou,	2,346	301	1,263
Nevada,	3,146	856	1,590
Santa Cruz,	472	224	84
Placer,	2,051	654	1,405
San Diego,	207	1	.....
Contra Costa,	638	151	81
Sacramento,	3,657	698	2,147
San Joaquin,	1,636	287	614
Butte,	2,643	766	900
Sierra,	2,584	435	1,833
Amador,	1,667	443	1,004
Marin,	486	143	1
Los Angeles,	1,334	70	.....
Humboldt,	425	117	.....
San Mateo,	241	178	.....
Sonoma,	1,903	416	262
Sutter,	600	160	72
Shasta,	1,399	65	767
Alameda,	1,088	653	1

The tellers having counted, the President announced the whole number of votes cast for Lieut. Governor to be 86,696 :

For Walkup,	53,119
For Cheeseman,	15,644
For Raymond,	17,933

The convention was then adjourned *sine die*, and the Senate withdrew to Senate chamber.

IN SENATE.

Roll called.

The following senators absent :

Messrs. Chase, Ferguson, of Sacramento, Goodwin and Taliaferro.

Mr. Rogers offered the following resolution which was adopted :

Resolved, By the Senate, the Assembly concurring, that a joint committee of three from each House be appointed to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and ascertain at what time they desire the ceremonies of inauguration to be performed.

The president appointed as such committee, Messrs. Rogers, Carpenter and Burch.

On motion of Mr. Carpenter, the Senate adjourned until to-morrow at eleven o'clock A. M.

Approved January 7th, 1858.

R. M. ANDERSON, President Senate.

Attest: T. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, January 7, 1858.

Senate met pursuant to adjournment—president *pro tem.* in the chair.

Roll called.

Absent, Ferguson of Sierra.

Journal of yesterday read and approved.

On motion of Mr. Chase, Mr. Ferguson of Sierra, was granted leave of absence until Monday.

Mr. Burton offered the following resolution :

Resolved, That the sergeant-at-arms be authorized to receipt to the Comptroller for warrants due members of the Senate.

Mr. Burch moved to amend by inserting, "and officers," which was carried.

The resolution was then adopted, as amended.

Mr. Ferguson of Sacramento, chairman, made the following report :

MR. PRESIDENT :—On behalf of the joint committee appointed by the two houses to wait on the Governor, to inquire whether he had any communication to make to the Legislature, I have to report that he informed us he has no other communication to make except his annual message, which will be sent in at two o'clock, P. M., this day.

WM. I. FERGUSON, Chairman.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly on yesterday concurred in Senate resolution, appointing a joint committee to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and ascertain at what time they desire the ceremonies of inauguration to be performed, and have appointed Messrs. Lee, Stakes and Davis, on the part of the House.

J. W. SCOBEE,
Clerk of Assembly.

Mr. Rogers made the following report:

MR. PRESIDENT:—The joint committee appointed to wait on the Governor and Lieutenant Governor elect, and inform them of their election, and ascertain at what time they desired the ceremonies of inauguration to take place, report that they have performed their duties, and that Friday, the 8th day of January, present, was designated by them for their inauguration.

GEO. W. ROGERS,	}	Senate Committee.
JOHN C. BURCH,		
G. J. CARPENTER,		
H. LEE,	}	House Committee.
A. G. STAKES,		
N. H. DAVIS,		

Mr. Burton in the chair.

Mr. Merritt made the following report :

MR. PRESIDENT:—The committee appointed to report and draft rules for the government of the Senate, beg leave to report the accompanying rules, and ask their adoption by the Senate.

Respectfully submitted :

MERRITT,
BURTON,
MELONY.
Committee.

The report and rules were considered in Committee of the Whole.

After some time so spent, the committee rose and reported them back, with amendments.

IN SENATE.

Amendments of Committee of the Whole concurred in, and the rules, as amended, adopted.

Mr. Taliaferro made the following report :

TO THE SENATE:—The committee of the Senate and Assembly upon joint rules, concur in recommending the following rules for the government of the two bodies.

ALFRED W. TALIAFERRO,
Chairman of Senate Committee.
A. P. K. SAFFORD,
Chairman of Assembly Committee.

The report and joint rules were considered in Committee of the Whole.

After some time so spent, the committee rose and reported back, without amendment.

IN SENATE.

The rules, as read, were adopted.

On motion of Mr. Carpenter, two hundred and forty copies were ordered to be printed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
January 7th, 1858. }

THE HON. THE SENATE OF CALIFORNIA :—The only communication which, before retiring from office, I regard as necessary to be laid before you, will be the annual message, and accompanying documents. I deem it advisable to have printed copies of the same laid upon your desks at the time of its presentation. The non-receipt of such reports as should emanate from other branches of the executive department, has delayed me in the preparation of the message beyond my expectation and wishes.

In reply to the message of the joint committee of the two branches of the Legislature, I signified my intention to present to their respective houses such communication as I might desire to make this day, at 2 o'clock, P. M.; but I now find it impossible to do so, and therefore advise you of this necessary postponement, and that I will be prepared to-morrow morning, at 11 o'clock, to transmit such message.

J. NEELY JOHNSON.

Mr. Lewis presented a petition from the citizens of Mokelumne Hill, praying for the enactment of a Sunday law,

Which, on motion, was laid on the table.

Mr. Holden introduced a bill entitled an act to appropriate money for postage and express purposes, during the present session of the Legislature,

Which bill was read first time, rule suspended, read second time, and considered in Committee of the Whole.

Committee of the Whole rose and reported back, with amendments.

IN SENATE.

The amendments in Committee of the Whole were concurred in. Rules suspended, bill read a third time and passed.

On motion of Mr. Lewis, the Senate adjourned.

Approved, January 8, 1858.

Attest :

R. M. ANDERSON,
President of the Senate.

IN SENATE.

FRIDAY, January 8, 1858.

The Senate met pursuant to adjournment.

The president in the chair.

Roll called.

Minutes of yesterday read and approved.

Mr. Burton gave notice that at an early day he would introduce a bill to amend an act "entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857."

Mr. Lewis presented a petition from citizens of San Andreas, Calaveras county,

praying for the enactment of a Sunday law, which, on motion, was laid on the table.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Senate bill No. 1—an act to appropriate money for postage and express purposes during the present session of the Legislature.

Also, adopted the joint rules of the Senate and Assembly with an amendment to the nineteenth rule, by striking out the word “ exhibited ” and inserting “ introduced,” and ask the concurrence of the Senate.

Also, have this day adopted a resolution appointing a joint committee to act in relation to the ceremonies of inauguration, and have appointed Messrs. Lewis, Tuttle, and Hill of Sierra, on the part of the House, and ask the concurrence of the Senate.

J. W. SCOBEY,
Assembly Clerk.

JANUARY 8, 1858.

Assembly message taken up and considered, and Assembly amendments to the joint rules concurred in.

Assembly joint resolution to appoint a committee to wait on the Governor relative to the inaugural ceremonies, also concurred in; and Messrs. Merritt, Bell and Pacheco appointed committee on the part of the Senate.

Mr. Thom gave notice that he would, at an early day, introduce a bill amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853.

And an act entitled an act to amend an act to provide for the formation of corporations for certain purposes, passed April 14, 1853. Passed April 30, 1855.

Mr. Phelps gave notice that he would, on to-morrow, introduce an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, and of the acts amendatory thereto.

Mr. Soule gave notice that, at an early day, he would introduce a bill to regulate the fees to be allowed to the County Attorney of the county of San Francisco for the collection of delinquent licenses in said county.

Mr. Berry gave notice that he would, at an early day, introduce the following bills :

First, a bill for an act amendatory of an act to create the county of Del Norte, to define its boundaries and to provide for its organization, passed March 2, 1857.

A bill for an act to amend an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857.

Also, a joint resolution instructing our senators and requesting our representatives in Congress to procure an appropriation to this state to defray the expenses incurred in the suppression of Indian hostilities.

Mr. Holden gave notice that he would, at an early day, introduce a bill for an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated by Congress, approved March 3, 1853, to the inhabitants of each congressional township in this state for school purposes.

Mr. Burch gave notice that at an early day he would introduce a bill for an act to repeal an act entitled “ an act for the relief of insolvent debtors and protection of creditors,” passed May 4th, 1853.

Mr. Ketchum gave notice that at an early day he would introduce a bill to extend an act passed February 4th, 1857, concerning the board of supervisors of Placer county to the counties of Amador and Calaveras.

Mr. Burch in the chair.

Mr. Goodwin gave notice that on to-morrow, or at an early day, he would introduce a bill for an act entitled an act to amend an act entitled "an act to regulate fees in office in the county of Yuba," approved April 28th, 1857.

Mr. Carpenter gave notice that he would, at an early day, introduce a bill for an act to exempt the county of El Dorado from the operations of an act approved April 17th, 1857, and to regulate fees in office in said county.

Mr. Burton gave notice that at an early day he would introduce a bill to amend an act entitled "an act to provide revenue for the support of the government of the state from a tax levied and collected from foreign and inland bills, and other matter," approved April 29th, 1857.

The annual message of the Governor was received, and the secretary proceeded to read, when, on motion of Mr. Carpenter, the further reading of the message was dispensed with.

ANNUAL MESSAGE OF THE GOVERNOR.

Fellow-Citizens of the Senate and Assembly :

It is with unaffected pleasure that I welcome to the scene of their official duties the chosen representatives of the people. The auspicious circumstances under which you have assembled, are well calculated to awaken the most devout gratitude to Him who holds in His hands the destinies of states and nations.

Within the past few months, a commercial and financial revulsion has visited our sister states of the Union—prostrating in its course the hopes of thousands, and suddenly reducing a large portion of their population from affluence and comfort to the extremes of poverty and want. From this dread calamity our people have been comparatively exempt, and with their willing contributions have served to aid and succor the distressed of their kindred and country. But a brief period has elapsed since, when, with the embarrassments that surrounded us, and the apparently hopeless condition of the affairs of state, even to the most sanguine and confident there appeared but slight hope of relief, or the ability to rescue our State from the necessity of repudiation, and consequent disgrace. At the present time, however, when the last opportunity is afforded me, as the Executive of the State, to communicate with you, it is indeed a source of gratification to announce that no such despondent thoughts can mar the pleasure of your meeting or embarrass your deliberations.

A large indebtedness, for which no legal responsibility could attach, has been endorsed by an overwhelming majority of the popular voice. The highest judicial tribunal of the state has declared that the vote of the people on this question is rendered binding and obligatory.

A new era is dawning upon us, and the present and future welfare of the state is in a great measure dependent upon the wisdom of your deliberations and the sagacity of your counsels.

FINANCE.

It will be shown by the tabular statements accompanying this, that at no period since the formation of our government has the affairs of the state treasury exhibited such flattering evidence of ability to pay the demands which are constantly being made against it than at the present time; and, indeed, only during the past year has the state ever been able to liquidate at the treasury, the necessary expenses of the government as soon as they accrued. In fact, in all respects, relative to our financial condition, a most cheering state of affairs is now exhibited. The effort which had so long been unsuccessfully made, has at length been attained; that is,

our ability, as a state, to "pay as we go;" and, in addition to this, we have ample means to discharge all obligations which are now due, and abundant resources provided for future expenditures, with a large surplus remaining in the state treasury. The expenditures of the government have been reduced to a sum within the receipts provided for its support, independent of ample provision having been made for the payment of the interest, and likewise a sinking fund created, which will ultimately liquidate the public debt. The condition of our financial affairs is such, that you are fully authorized, at the present session of the Legislature, to make a material reduction in the taxation on real and personal property. That you may be advised of the financial transactions regarding state affairs, for the past three years, embracing the last year of my predecessor's term of office, and the two succeeding years of my official term, I have appended to this communication an authentic and reliable exhibit, which has been compiled from the records contained in the offices of the Treasurer and Comptroller of State, not including any payments on interest account for either of the years mentioned.

From that exhibit it will be seen that the expenditures for 1855,	
were,	\$1,427,517 07
The receipts for the same period, were	990,848 87
The excess of expenditures for that year, were	<u>\$436,668 20</u>
The expenditures for 1856, were	\$1,036,512 10
Receipts for the same year, were	886,023 48
Excess of expenditures for 1856,	<u>\$14,888 71</u>
And during the past year, ending the 31st December, 1857, the	
receipts were	\$1,152,234 09
The expenditures for the same period, were	699,893 94
Excess of receipts for 1857,	<u>\$452,340 15</u>

From the foregoing it will be perceived that the expenditures of the year 1857, ending with the thirty-first day of December last, were *less than one-half* of the expenditures for the corresponding time in the last year of the preceding administration; and the *excess of receipts* during the year 1857, were greater than the *deficiency* for the year 1855, and for the two past years the *receipts* have *exceeded* the expenditures \$507,541 44, and without resort being had to an additional tax upon the property of our citizens.

On the first day of January, 1858, the amount in the treasury was \$251,222 71, and at a later time—the sixth of the same month—this balance had reached the sum of \$418,521 48; and the receipts from the county treasurers who are required to make payments within the present month, together with the additional payments to be made by the county treasurers during the present fiscal year; also the revenue to be derived from miscellaneous sources, if the sum expended by the present session of the Legislature do not exceed the amount expended by the preceding one, and they should be much less, there will be in the state treasury at the expiration of the present fiscal year—the 30th of June next—a surplus of at least four hundred thousand dollars. The presumption is, that it will exceed this estimate.

The question, therefore, now arises, what disposition shall be made of this surplus? My advice is, appropriate it to the payment of our state indebtedness, after retaining in the treasury such amount as, with the ordinary receipts, will

be sufficient to defray the current expenses of the government. Then authorize the Treasurer of State to advertise in the same manner, and upon like terms, as provided in the "State Debt Bill" of the last session, for the redemption of state bonds.

The adoption of this suggestion, whilst serving to relieve, in some degree, the burthen of taxation, by the reduction of state indebtedness, will also inspire a great degree of confidence among the creditors of the state, and the employment of the surplus fund in the manner proposed, will remove the inducements to excessive expenditures which are always offered by a plethoric treasury.

From the evidences afforded of the amount to be derived from the various sources of revenue, it is rendered quite certain that there will be collected, under the laws as they now exist, a sum much exceeding the necessary wants of the government; and if convinced of this fact, the duty will necessarily devolve upon you to reduce the rate of taxation within those wants.

The real and personal property of the state subject to taxation in 1857, amounted to \$131,806,268 92, and which, for the preceding year, only reached the sum of \$113,458,000—indicating an increase of \$18,348,268 92—within this lapse of time, as will be found detailed in an accompanying appendix. From these indications, making a most liberal allowance, we can safely estimate the taxable property of the state, for the present year, at \$140,000,000.

Under the "State Debt Bill," the rate of taxation therein provided, will produce an amount not only sufficient for the payment of the interest on such indebtedness, but it will also yield a considerable surplus as a sinking fund for the redemption of the outstanding bonds. Wherefore, from the general fund no transfer will be needed on the 1st January, 1859, when the first payment of interest on these bonds is required to be made.

The ordinary expenses of the government can be properly estimated, for the next fiscal year, as not exceeding the sum of \$650,000; and, with the exercise of due economy, can be readily brought within the sum of \$600,000. From licenses, of various kinds, the stamp act, poll taxes, and miscellaneous sources, there has been received, during the past year, \$463,863; and it is not unreasonable to anticipate, for the succeeding year—the collection from the same sources—a revenue fully equaling these receipts. It will be seen that there would then only remain \$186,137 of state expenditures to be provided for by the imposition of a tax on real and personal property. Of the estimate before made of the taxable property of the next fiscal year, amounting to \$140,000,000, by the result of past observation and experience, it will be proper to estimate the delinquents, and the expenses of collection as amounting to twenty-five per cent., or one-fourth of the entire amount assessed upon the taxable property within this State. Upon this basis of calculation, there will then be needed only the gross sum produced by the taxation of \$105,000,000 of property, to meet the necessary requirements of the state. The amount to be derived from this source has been shown to be \$186,137 00, and to produce which, would require a collection within a fraction of seventeen and three-quarter cents on each hundred dollars of taxable property. But to insure, without any doubt, the collection of a sum fully sufficient for this purpose, I recommend that twenty cents on the hundred dollars be established as the rate of taxation, to be appropriated for the ordinary expenses of the state for the ensuing year, and which will be ample for all necessary purposes. Unless it should be determined to erect a capitol, and if the mode I have herein suggested is adopted, even then the addition of five cents on the hundred dollars in 1859, with an appropriation the present year from the treasury, would be sufficient. In the event that you should determine to erect such a building—including the thirty cents to be levied as an interest and sinking fund, the total amount of taxation will be but fifty-five cents on the one hundred dollars—a very material reduction from the taxes which for years have been imposed. The revenue act

should distinctly specify the amount to be collected for the expenses of the government. The reduction I have here suggested, can be made, and yet leave the state with ample means to pay all needful expenses. Wherefore, I most urgently ask that, in this particular, you amend the present revenue law, conformable with these views.

At the last general election, the bill passed by the preceding Legislature, with the object of legalizing the state debt, was submitted to a vote of the people, and received their endorsement with a vote which, in its numbers, is well calculated to convey the most elevated opinion of the honor and integrity of the people; and the officers whose duties it was by the law to issue the bonds provided for, having been enjoined from proceeding with their duties, on the alleged ground that such action of the Legislature and people gave no validity or legal sanction to that indebtedness, the case was appealed to the Supreme Court, and a few days since, by that tribunal, a decision was given, in which they affirm the constitutionality of the debt. Therefore, it but remains to cancel the former evidences of indebtedness, by the issuance of new bonds, in accordance with the act referred to. The blank bonds have been prepared by the late treasurer, and only await the incoming of the succeeding administration to enable those entitled to receive the benefits of this act to receive these new issues.

The amount of bonds authorized to be issued prior to May 1st, 1859, is	\$3,900,000 00
Amount of civil bonds and interest, due January 1st, 1858,	\$3,454,816 00
Audited accounts to be funded,	48,283 26
Warrants outstanding, issued from January 1st, 1856, to January 1st, 1857,	120,546 89
Warrants outstanding, issued prior to January 1st, 1856,	78,719 44
Total amount which is now authorized to be funded,	\$8,702,365 59
Leaving a surplus of	\$197,634 41

There are, however, other claims which are equitable, and the justice of them fully demands that you should, at your present session, audit them, so that they may also be embraced within the funding act. They are of the same character, and, in most instances, quite as just as those which were, by act of the last Legislature, authorized to be funded. So far as the amount to which they should be allowed, that is a matter which will solely depend on your judgment and discretion; but that you may be advised of the probable amount, I herewith append a statement of them:

Surplus as above	\$197,634 41 •
Claims audited by committee on accounts and expenditures, eighth session	\$13,003 52
Amount of claims now on file in Comptroller's office which have neither been allowed nor audited	32,925 08
Amount of state prison warrants, \$175,406 26, estimated at	145,000 00
	\$190,928 60
	\$6,705 81

Which, if allowed according to the foregoing estimates, will not quite absorb

the sum which is mentioned in the act, leaving a balance of \$6,705 81. As the bonds outstanding, however, will not be presented until after the date up to which the interest is calculated, the entire amount will be exhausted;—so that in the calculation to be made of the total of our state indebtedness, it may be estimated at \$3,900,000 00 of a bonded debt, for the payment of which a tax is directed to be levied of thirty cents on each one hundred dollars of taxable property within the state. The first interest to be paid on this indebtedness will occur on the first day of January, 1859, and, as will be shown hereafter, the tax imposed for this purpose is ample; and increasing, as it will from year to year, the entire amount can be liquidated within the time (twenty years) required by the act, by the application of the means provided in the act—indeed, if we shall soon realize the recognition of our claim to the “civil fund” from the general government, the liquidation of the entire sum may be accomplished in a few years.

By the non-payment of interest on the old funded debt, and alleged defalcations in the state treasury under the administration of a former incumbent—Henry Bates—I have caused suits to be instituted, and in two cases judgment—which, with the interest on the first of this month, amounted to \$181,044 30—has been obtained, and another suit is now pending for the recovery of \$124,000 00 given on behalf of the Pacific Express Company. Recently the late District Attorney of Sacramento county, Frank Hereford, Esq., in conjunction with the then Attorney General, the State Treasurer and myself, endeavored to effect a compromise of all the matters involved in the civil suits, such compromises, however, to be subject to the action of the Legislature, but failed in its accomplishment.

REVENUE LAWS.

The practical operation of the present revenue law, so far as it relates to the collection of taxes, is found to meet the most favorable expectations. It needs but few amendments, and only such as are absolutely necessary should be made. If possible, more stringent provisions ought to be introduced so as to compel the payment of poll-tax. The sum derived from this source is meagre, indeed, compared with the amount which should be raised.

The settlements now required to be made by county treasurers, in January and July, should be changed to the third Mondays in June and December, so that the reports of the proper officers will exhibit the financial operations for the current year, which now cannot be done till the reports of the succeeding year are presented to the Legislature. County auditors and assessors should be required, by the enactment of stringent measures, to make such reports in each year as the law provides. From some counties in the state, no reports have been received of this character for two years; and the officers in other counties were impelled to do so at a late period only at the urgent solicitation of the state authorities. These reports are not only important, but absolutely necessary in affording the only reliable *data* upon which can be predicated an estimate of the proper taxation.

There seems to be some doubt as to the correct interpretation to be given to that portion of the law affixing the per centage to be paid county treasurers. I am confident that the rule now adopted of allowing the *maximum* specified in the law on each separate payment, if not exceeding \$50,000, was not the design of the Legislature, although it may be warranted by the language of the act. It should be amended so as to allow commissions in the proportion which is paid upon the collections of each year.

The evidence furnished by a table found in the appendix, will present a singular contrast in the expenses of the assessment and collection of revenue in the different counties. On the amounts paid into the state treasury since the first of July last, the expenses of collection so widely differ, that it is seen that whilst the least per centage on such assessments and collections is but 2 9-10, the great-

est, amounts to the enormous sum of 57 per cent., and the average is but 8 37-100 per cent. Such gross inequality as this should not longer exist, and which can alone be obviated by imposing a limitation on the amount of expenses to be allowed for such services, by which the boards of supervisors of the different counties may be restrained from making such liberal allowances, resulting, as they do, so disastrously to the revenues of the state.

In the estimates made on the foregoing, no mention is made of the "war debt," the greater portion of which has been paid by the general government, and the remainder will be assumed without doubt. The condition of it will be found by reference to the reports of the commissioners accompanying this.

The certificates of indebtedness which have been issued during the past year by the board created for this purpose, as they constitute no claim against the state, are to be paid out of such appropriation as the general government may hereafter make for such purpose. The proceedings of that board, and the recommendations contained therein I respectfully call your attention to.

STAMP ACT.

Among the useful measures adopted by the last Legislature, is that which is familiarly known as the "stamp act." An exhibit of the receipts, and expenses incurred under it, is herewith appended. The net receipts, for the six months ending December 31st, 1857, are \$53,603 21, and the expenses \$4,332 58. This involved the cost of the stamps, paper, printing, and the increased expense consequent on getting into operation the provisions of the law—including an additional clerk in both the offices of Comptroller and Secretary of State. Now, however, the business has become systematized, so that only one clerk is necessary in the performance of this labor, and that one, in the Comptroller's office. Additional clerical assistance in the Secretary of State's office, for this purpose, is needless. The expense should only be the pay of the clerk, and the necessary printing, from the stamps now in use; and the total of which will not exceed \$3,500 per annum. It will be seen, therefore, that this is a species of taxation far less expensive in its collection than any other of the various sources from whence our state derives revenue, and should be retained on the statute book, with the addition of such amendments as observation and experience have demonstrated are requisite and proper.

This law does not embrace all of that kind of cases which it was designed to reach. Those who purchase from the banker bills of exchange, are subjected to the payment of stamp duties; but no expense of this kind is incurred by the person who, in his own behalf, makes a shipment of gold dust or bullion. Since the financial revulsion in the eastern states, inducing a want of confidence in the stability of all banks, much of the semi-monthly shipments of treasure are made directly by the individuals, without the intervention of the banker; and of a consequence, all such amounts evade the payment of the tax. The receipts, on this account, have materially diminished within the last two months.

I suggest that the law be amended so as to impose this tax on the bills of lading, instead of exchange. Such provision will reach all classes of shipments made, and consequently in its operation, will be equal and uniform, and furnish a larger proportion of revenue. The law should be further amended so as to classify insurance policies. As it is, this act requires a payment of the same rate of taxation on a policy of insurance, if but for a single month, as though it were for an entire year; and the most numerous class of cases wherein policies of insurance are applied for, are for short periods of time. For the purpose of evading the imposition of this tax, means have been successfully employed by which the law, in this particular, has been rendered almost wholly inoperative. From this source, therefore, but an inconsiderable amount of revenue has been derived. To obviate this,

amendment should be made of the character before suggested. This difficulty will be obviated by a classification for single months at rates in the same proportion as are now fixed, with the addition of amendment to the license law, so as to impose a license tax upon those who act as agents within the state for the negotiation or sale of policies of insurance which have been executed out of the state.

CIVIL FUND.

I have hitherto called the attention of the Legislature to the necessity of adopting such enactments as would enable the state to secure the payment of the "civil fund" from the general government. That you may readily understand the character of that fund, I will quote from my annual message of 1857 :

"Between the period of the occupancy of California by the United States military forces and that of our admission as a state into the Union, a large sum of money was collected from the people, in the form of military exactions and duties on imports, which, with the exception of a small amount expended in the civil administration of the government, including the expenses of the convention that formed the constitution, found its way into the treasury of the United States. This is what has usually been denominated the "civil fund," to the possession of which this state has a most unquestionable right. The attention of our Legislatures has been repeatedly called to it by my predecessors, and those bodies have addressed resolutions of instruction to our senators and representatives urging its repayment by the general government. Thus far, no advance has been made towards its procurement, although earnest efforts have been employed to accomplish it in both houses of Congress. In the reports which have come under my observation having relation to this matter, the amount of this fund is greatly underrated. A careful examination of the books of the treasury department at Washington presents the following as a correct exhibit :

From the 6th of August, 1848, when Col. Mason received notice of the treaty with Mexico, up to the 12th of November, 1849, when Col. Collier took office as collector of customs at San Francisco, there was received as military exactions,	-	-	-	\$1,365,187	32
And from the 12th of November, 1849, to the 9th of September, 1850, when California was admitted into the Union, there was collected the further sum of,	-	-	-	-	1,603,561 08
Making a total amount of,	-	-	-	-	\$2,968,748 40
From this there should be deducted the following :					
On account of the civil government, including the expenses of the constitutional convention,	-	\$162,236	27		
Expended for relief of immigrants, in 1849,	-	100,000	00	\$262,236	27
Balance remaining, and paid into the United States treasury	-	\$2,706,512	13		

This entire amount, it will be observed, was collected prior to the admission of California into the Union, by the incongruous elements of the civil and military government then exercising authority in the newly acquired Pacific possessions, and when that government was superseded by the organization of the state, and it was recognized as a member of the confederacy, the present government became the legitimate successor of the former, and the moneys which had been collected from the people, and were unexpended in the administration of civil affairs, should have been transferred to it. That large sum is now withheld from us in utter disregard of propriety and justice.

The right of California to this fund was always recognized by the United States officers charged with its collection and disbursement, by the civil and military governor of the territory, and I may add, by the action of the general government itself, in allowing a portion of the amount to be expended in the civil administration of the territory. To the numerous applications which have been made for the repayment of this fund, the reply has ever been, 'an act of Congress is necessary to authorize it.' "

The action which I deemed necessary to be taken last year to secure the refunding of this indebtedness, was only so far adopted as to incorporate in the state debt bill, (which was ratified by a vote of the people at the last election,) a clause providing that all amounts allowed by the general government, on account of that "fund," should be appropriated towards the payment of the state debt embraced within the provisions of that act. This may not be an auspicious occasion, in consequence of the reduced receipts of the national treasury, to press this claim to a successful issue; yet a recognition of our rights should be urged upon the attention of Congress, with a view to the future payment of the debt.

CONSTITUTIONAL CONVENTION.

By an act of the last Legislature, it was recommended to the electors of this State to vote, at the succeeding general election, upon the question of holding a convention for the revision of the state constitution. This act was passed in pursuance of section 2, article x of the constitution, which provides that, upon such recommendation of the Legislature, "it shall be submitted to the electors, at the next election for members of the Legislature, to vote for or against a convention; and, if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law." The aggregate number of those who voted at that election is not specified in the returns which were received at the state department, and consequently should be determined by the most authentic data we can obtain. These are furnished by the vote which was cast for the office of Lieutenant Governor, being the largest vote cast for any single officer, and numbered 93,881. Of those who voted on the convention question, only 30,226 were in favor thereof, while 17,680 opposed it; from which it appears that not less than 45,995 of the electors neglected altogether to vote upon that subject. It devolves upon you, therefore, to decide a proposition of unusual importance, which is thus submitted for your consideration. Does the result of this vote impose on the Legislature the obligation, or confer upon them the authority, to summon a convention? While I confess it was my earnest desire to witness the triumphant success of this measure, in the sanction by the people of an act whereby a constitution, in all respects adapted to our condition, present and prospective, might be wisely framed, and believing, as I do, that a convention is the only practicable method by which reforms, not only needful, but absolutely essential to the prosperity of this commonwealth, can be obtained; yet despite my wishes, I am constrained to believe the result of that vote does not invest you with the requisite authority. With due consideration and respect for the intelligent understanding of those who entertain a different opinion, I am compelled to regard the section of the constitution heretofore referred to, from the expressiveness of its language and the clearness of its meaning, susceptible of no construction which tolerates the exercise of such power or authority. This view is further strengthened by the context and the connection in which certain words are employed: "If a majority of those voting at *such election* shall vote in *favor* of the convention, the Legislature shall, at its next session, provide by law for calling a convention." It will be perceived that the only *election* specified in the entire section is that for

members of the Legislature, from which we must conclude that the words, "A majority of those voting at *such* election," signify "a majority of those voting at the legislative election," and can mean nothing else. At the late election, the vote *in favor of* a convention was not that of a *majority*, but *less than one-third* of the electors who then cast their votes. If, however, the true construction of the section we are now considering should admit of further question, we may refer to other legitimate sources of information, to ascertain thereby the intention of those who framed the constitution. I call your attention to the first section of the same article, where provision is made for amendments by legislative action. After prescribing the mode of procedure, the section concludes as follows: "And if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, VOTING THEREON, such amendment or amendments shall become part of the constitution."

Here, it is the obvious intention, that if such amendments shall receive a majority of the votes of electors who vote upon *them*—not of those who vote upon any or all of the other questions which may be involved in the same election—they are thereby made a portion of the constitution. Hence it follows, that even though the whole number of those who vote upon the question of amendments should constitute a minority, no matter how small, of all those who voted at such election, yet the amendments would be adopted if those who voted in favor thereof constituted a majority of those voting on that question. Such was the case when the only amendment which has ever been applied to the constitution was incorporated therein by a vote of the people, at the general election in the year 1856. Such is the conclusion which inevitably results from the express language of section 1, which only requires a majority of those voting thereon; *i. e.* voting on the question of amendment; and we may justly infer—indeed it is a plain rule of construction—that if the framers of the constitution had intended to give a similar effect to the succeeding section relative to the same matter, they would have used similar language, or at least have employed such words as would convey a similar meaning. It is a cardinal doctrine in the construction of statutes and *a fortiori* of constitutions, that the express mention of one thing implies the exclusion of another not mentioned, or as it is expressed in the earlier maxims of the law, "*expressio unius est, exclusio alterius*." If you expressly name some one of certain requisites, the inference is stronger that those omitted are intended to be excluded, than if none at all had been mentioned. This rule has been declared to be one of the first principles applicable to the construction of statutes. And again, it is a further rule of construction that if any section be intricate, obscure, or doubtful, the proper mode of discerning its true meaning is by comparison with other sections, and finding out the meaning of one clause by the words or obvious intent of another. This is pronounced by that eminent jurist, Sir Edward Coke, to be the most natural and genuine method of expounding a statute. If, however, further evidence is wanting of the construction designed to be given to this important feature of the constitution, the published debates of the body which framed that compact must remove all remaining doubt on the subject. By the original report of the committee in convention, amendments to the constitution required a two-third vote for their adoption. It was proposed, however, to substitute the word "majority" for the words "two-thirds," wherever they occurred in both sections of article x. The proposition elicited a general expression of the views of members on this point. During the course of a protracted discussion, maintained on either side with vigor and ability, the supporters of the "majority" rule contended that the true basis of political supremacy in a government consisted in the recognition of that *right* which a *majority* of the people should possess, of altering or amending the constitution and laws in accordance with their ascertained will; that no such limitation as a two-third vote, whereby the *minority*

would be empowered to defeat the will of a *majority*, should impair that right or be imposed upon its exercise. To this it was responded, by the advocates of the opposing doctrine, "that the fundamental law of a state, unlike the enactments of its legislation, should be protected from the influence of those radical and frequent changes which might result from local issues or intense political excitement; that no changes should be allowed in the fundamental law unless demanded by a manifest and decided expression of the wishes of the people; and that a proper guarantee of this principle would be afforded by the adoption of the two-third vote." For a time, the proposed amendment was successfully resisted, but finally, upon a reconsideration of the vote in convention, it was adopted, and the majority principle, as we now find it in the constitution, permanently established. But amidst the diversity of views which prevailed in the convention, none, even among those advocating the most extreme opinions, ever ventured to suggest the dangerous proposition that a *minority* of the people might *destroy* the constitution. Yet such would be the practical result, if the vote we are considering could authorize you to call a convention to change the organic law of our state. It would sanction a principle alike incongruous with precedent and reason:—a principle pregnant with revolutionary tendencies, and dangerous in its enforcement, involving the utter insecurity and inefficiency of the government reared upon such basis. Inasmuch as, under the recent vote of the people, you have no power to summon a convention, it becomes important that you should again submit the question to the electors of the state.

During the past year the general election of state officers so occupied, and indeed, absorbed the public mind, that attention was, in a great degree, diverted from the consideration of the convention act. At a future time, with less political excitement, this subject will be more thoroughly scrutinized, and the necessity more fully appreciated. It is almost universally conceded that the constitution requires amendment in many particulars of material importance to the welfare of the state. Of the many changes which have been proposed, I would especially call your attention to the necessity of re-organizing the judicial system, whereby the number of judges of the Supreme Court shall be increased, and associate justices of the courts of sessions abolished. The extensive and increasing business of the former, exacts from the judges an amount of labor which prevents them from giving to cases, submitted for their consideration, such attention as their importance oftentimes demands; whilst the associate justices of the latter are usually but needless appendages to the court, and a useless expense to the several counties: A reduction of the number of county officers and their emoluments of office; a rigid constitutional restriction upon the creation of debts by counties, cities and towns; the adoption of a system of single representative and senatorial districts, whereby each voter in the state shall alike be represented; a limitation of legislative sessions and their expenditures. These are some of the needed reforms so indispensable to the public welfare—and they cannot be obtained by mere enactments of the Legislature. To such as reflect on this subject, involving as it would, amendments in so many varied particulars, it will appear that nothing but a constitutional convention can relieve the state from many of the evils with which it is afflicted.

In canvassing the merits of this question, one of the most potent arguments hitherto advanced against a convention, and probably the chief objection which now exists in the minds of the people, is the expense in which it would involve the state. This objection, I apprehend, is more imaginary than real. Indeed, the time consumed by the members of the Legislature, in the discussion of the convention question, and the adoption of legislative amendments, together with other attendant expenditures, have even thus far, I am confident, greatly exceeded in their cost, the actual expense of holding a convention. Such a body would not necessarily exceed one hundred and fifteen members—equalling the number of

members in both branches of the Legislature. It would be but a single body, and therefore its incidental expenses would be much less than if separate organizations existed. Its entire session need not, and I am persuaded would not, exceed sixty days in duration. The most commanding talent of the state—and from such should a convention be selected—would be invoked for this purpose, and constitute a council having a more elevated regard for its dignities and duties, than the pecuniary compensation of its labor. A per diem allowance of five dollars, with mileage equivalent to actual traveling expenses, would be a satisfactory recompense for the services of such men as should be selected to discharge so important and responsible a trust. Including all necessary expenses attendant on the session of such a body, the total cost thereof should not exceed the sum of seventy-five thousand dollars, and by their judicious action, the tax-payers in the various counties of the state, would be reimbursed for that entire amount, within a single month. I therefore sincerely hope you may find it consistent with the sense of duty you owe your constituency, and the enlightened conviction of your own understanding, to pass an act during the present session, whereby this question shall be resubmitted at the next general election to the consideration of the electors of this state.

STATE CAPITOL.

After the frequent changes we have witnessed of the seat of government, at length a degree of permanency has been given to it which fully justifies speedy action being taken for the erection of public buildings suitable for the various departments of government. Independent of that laudable pride which, in the present condition of public affairs, should impel such action—in a pecuniary sense it would be serviceable to the public good. The amount of rents now paid by the state government fully equals the interest on \$300,000, at 7 per cent. per annum—the same rate which is to be paid on our public debt. That sum, or even less, will suffice to erect a suitable building for the necessary purposes of the state, and I recommend the passage of a law at this session, making provision for the erection of such a building. Having a higher regard for those qualities which combine convenience and durability, than the mere saving of a few thousand dollars, the erection of such an edifice should occupy at least two or three years; and I regard it of doubtful expediency to adopt the popular idea, that the entire contract should be let to the “lowest bidder;” because, in such case, the inevitable result would be that such contracts would ultimately prove more expensive than if performed by laborers and artisans distinctively employed for such work. With an appropriation of \$100,000 for the present year, and a like sum in each of the succeeding two years, to be expended under the direction of a board composed of state officers, with authority to employ an architect and superintendent, we would witness, within three years, the completion of an edifice combining all the requirements for which it is intended.

At the last session of the Legislature an act was passed, authorizing a contract to be made for this purpose, but soon afterwards the Supreme Court decided the appropriation to be unauthorized; in consequence of which, the contractor was compelled to relinquish the further prosecution of the work; and therefore, such contract may be regarded as a nullity, and should be treated as such. However, the equitable claim of the contractor, for the work performed by him prior to the decision of the Supreme Court, should be recognized by the state, and provision made for its payment. The plan of the structure, as originally adopted under the law of 1856, may be deemed of sufficient capacity, and if constructed of brick, instead of granite, will materially reduce the cost of its erection. These subjects, however, are necessarily embraced within the scope of your legislative action.

STATE PRISON.

The direction of the state prison, ever since its establishment, has been a source of complaint on the part of the people, and for various causes. First, the lessee system was adopted, whereby the labor of the convicts was received as an equivalent for their keeping. The charges of ill-treatment of the prisoners, and the frequency of escapes, became so notorious that the Legislature in 1855, changed the policy of the law, by creating a board of directors, consisting of three persons, the first of which were appointed by my predecessor in May, 1855. These officers were succeeded by those who were elected by the people at the general election of that year, and those elected entered upon their duties about the 1st day of January, 1856.

During the incumbency of the first board of directors the expenditures, including the amount allowed by them for the erection of the prison wall, was \$382,226 84, in the space of seven months, being a monthly average of \$54,603 83; and during the time it was under the management of their successors, from the 1st of January to the 26th of April, 1856, the expenses incurred by them was \$93,186 39; being an average per month of \$24,100; or within the space of less than eleven months, costing \$475,413 23.

A disclosure of these startling facts induced the passage of the act of April, 1856; which law authorized a contract to be made for the care and safe keeping of the prisoners, and the erection of such buildings as should be required for state prison purposes, at a cost to the state not exceeding \$15,000 per month. The state prison commissioners, consisting of the Lieutenant-Governor, State Comptroller and Treasurer, under the law, made a contract at the rate of \$10,000 per month for the period of five years, with Gen. Estell as lessee. The contract was well guarded in its provisions, and enjoined upon the lessee the duty of erecting such buildings, either at the present site of the prison, or elsewhere, as he might be directed to do by the commissioners. In this arrangement there was also procured a release to the state of a large amount which the lessee claimed as due him for certain property taken for the use of the state.

There have been frequent, and indeed complaints are constantly made, regarding the management of the prison and the treatment of the prisoners. To what extent these complaints are well founded or untrue, you possess the authority of ascertaining. There is one fact, however, which should outweigh mere pecuniary considerations, and which should govern the policy of a great state in such matters; that is, although these people are felons, and may be deserving their sad fate, yet the dictates of humanity demand the treatment of them as human beings. It is, however, questionable whether, under the "lessee system," this will ever be done, as the interest of the lessee is generally more regarded than the proper care and comfort of the prisoners. After the experience of the past in the different plans adopted by the state, I believe it would be much better, if it can be done so as not to invalidate the sentence of those now in prison, to make an arrangement with the lessee on such terms as might be agreed upon, and abolish the institution entirely, and hereafter let each county assume the expense and management of those convicted in their courts. Whilst such a plea would relieve the state of the expense of keeping them, and their transportation—now \$160,000 in each year—and about one-fourth of the entire expenses of our government, at the same time they would be better provided for; and with the labor which they could perform, would fully reimburse the expense to which they would subject the county. This might be done by adopting each county jail as a branch of the state prison, and thereby remove any doubt as to the validity of their imprisonment, if transferred. These suggestions are made for your consideration, with the expectation that you will at least adopt some plan at the present session as will effectually remove the complaints which are now being made on this account.

I do not deem it advisable to have any more expense incurred in the erection of improvements at the present location of the prison, as it is in every respect unadapted to the purposes contemplated; and if a more eligible site was selected, and improvements there made from time to time, by the labors of the convicts, with prudent management, they might be made to pay the expenses; but it is quite certain this cannot be accomplished by their employment where the prison is now situated.

INSANE ASYLUM.

The law creating the insane asylum provides that the resident physician and board of trustees shall, during the first week of the legislative session, transmit to that body a report of their official acts for the preceding year. This provision of the law should be so changed as to direct such reports to be made to the Governor by the 20th of December in each year, as other state officers are required to do; by him to be presented to the Legislature. This will enable the Executive, in his annual message, to speak advisedly of the condition of the asylum, and make such needful recommendations relating to the same, as may seem to him proper. At the present time, in the absence of any official information, I can know but little of its management or wants. By a personal inspection of the institution during the last autumn, I was favorably impressed with the appearance of the buildings and grounds, and the attention bestowed upon its unfortunate inmates. The building for the use of the resident physician, authorized by an act of the last Legislature, has, I believe, been fully completed, but does not afford the accommodations designed by the law, in consequence of no provision having been made for the purchase of the necessary furniture. To supply this deficiency, I would recommend an appropriation to be made. In consequence of the improved condition of our state treasury, by which the trustees have been enabled latterly to obtain cash for the use of the asylum, instead of being compelled to submit to a large discount on the scrip issued to them, as was the case previously, I presume their financial report will exhibit a considerable diminution in the expenditures; and for the coming fiscal year, a material reduction unquestionably can be made in the appropriation for its support, without detracting from the comfort and necessary wants of the inmates.

HOUSE OF REFUGE.

Under the present criminal code, however young an offender may be who is convicted of felony, he must be consigned to the state prison. There, by constant intercourse with the vicious and depraved, he soon becomes as degraded and irreclaimable as his associates. The necessity must be conceded of a law authorizing the establishment of a house of refuge, separate and distinct from the state prison, for the punishment and correction of all offenders under the age of sixteen years. A law of this character will also require an amendment of the criminal code, which will readily suggest itself to your attention.

If those of youthful years who have propensities for crime were placed under proper training, and kept separate from more hardened offenders, in many instances they could be reclaimed from the paths of vice, and rendered worthy and respectable citizens.

APPRENTICES.

I would also call your attention to the necessity for some well digested act relating to apprentices. The number of wayward boys who now infest the community—especially in the larger cities and towns—with no employment or the means of education, and who are rapidly growing up to manhood without the promise of adding either to the common wealth or common respectability, is very large, and

should be provided for by such salutary legislation as may tend to improve and elevate their present and future condition in society. No better plan for this purpose could be devised, than to secure for them the means of acquiring some useful trade or occupation, where the separate relations of master and apprentice are properly defined.

CONCEALED WEAPONS.

The practice of carrying deadly weapons concealed about the person, has become so universal, and is productive of such lamentable consequences, that it would seem to demand the correcting power of legislation. I am led to believe, from a careful investigation of the facts in numerous cases to which my attention has been called, that a large proportion of the homicides which have occurred, and the personal injuries inflicted in this state, may be immediately traced to this cause. Controversies and disputes which have for this reason resulted with fatal consequences, in a majority of cases would be adjusted without resort to bloodshed, if it were not for the temptation which, in the moment of ungovernable passion, is offered these convenient instruments of death to take immediate and sanguinary vengeance.

It cannot be denied that the practice of carrying concealed weapons engenders in the human mind a feeling of reckless desperation, dangerous to the peace and well-being of society. There are few, if any, of the criminal codes of our sister states, which do not contain a clause prohibiting this pernicious custom; and I earnestly recommend to your honorable body the enactment of such a law as may in future effectually prevent and eradicate so great an evil.

PHYSICIANS AND DRUGGISTS.

An act defining the necessary qualifications of physicians and druggists, before they are permitted to enter upon the practice of their respective callings, I regard as of essential importance. The successful pursuit of no profession requires more thorough training and experience than the art of healing diseases and preserving the health of mankind, and none is more useful and necessary. But in proportion to the necessity and value of the science of medicine, when properly understood and applied, are its dangerous and destructive consequences, when it is perverted from its legitimate uses, and is attempted to be put in practice by those unacquainted with its precepts and principles. Instances are frequently occurring in which individuals, representing themselves to the public as skilled in medical science, have, by their ignorance or carelessness, caused either the protracted suffering or untimely death of their too credulous but unsuspecting victims. There is perhaps no country where empiricism is so rife as in this state; and the lives and health of our people are too valuable to be placed at the indiscriminate mercy of arrogant pretenders.

The lawyer, who deals to the greatest extent, with our property and pecuniary interests, is compelled to undergo a strict examination as to his qualifications for that profession; but the physician, into whose hands are intrusted the higher and dearer interests of life and death, and the vendor of drugs, whose proper office should be to alleviate instead of to protract the maladies of the body, are permitted to pursue their separate callings, regardless of legal restraint or ascertained qualifications.

AMENDMENTS OF LAWS.

In my last annual message to the Legislature numerous recommendations were made, embracing needful amendments to many of the existing laws of the state, which did not receive their favorable consideration, or were permitted to be passed over without any action being taken upon them; and regarding many of them

now, as I then did, of sufficient importance to the people for whom you are constituted the law-making authority, I desire to call your earnest attention to them, and reiterate some of the reasons which I urged in behalf of their adoption, when addressing your predecessors. Of these may be mentioned the attachment act, the insolvent act, the homestead act, the law regulating sole traders, law of divorce, evidence in chancery proceedings, a registry act, the several acts regulating elections, and various amendments of the criminal code.

ATTACHMENT ACT.

The several acts regulating the issuance of attachments, as they now appear on statute books, have long been a matter of almost universal complaint; and in view of the well known wishes of the people, it is indeed a cause of great surprise that the requisite changes have not heretofore been made. As the law now exists, it is frequently made the instrument of oppression, and even ruin, to honest but unfortunate debtors, and is quite as often used as the means of vile collusion between the debtor and preferred creditors, to the exclusion of other indebtedness. It certainly is not only a probable, but a demonstrable fact, that the benefits conferred by this law are more than counterbalanced by the injuries it inflicts, and the evils engendered under its operation and influence. Now, the over anxious creditor—if the indebtedness is due—can sue out his attachment upon “any express or implied contract for the payment of money, if made or payable in this state,” and attach an amount of property without reference to the extent of the indebtedness, thus encumbering the property and hopelessly embarrassing the debtor. In its general usefulness as a means of aiding the collection of debts from those who really should be made subjects of the more stringent requirements of the law, an effectual remedy would be afforded by the adoption, substantially, of the provisions of the act of 1850, with this material alteration: permit an attachment to issue for any of the specified causes mentioned in that act, whether the debt *is*, or *is not* due. This will afford a most effectual remedy against fraudulent or absconding debtors, from which cause the principal sufferers are found among the mercantile and trading community. The changes in this law, as I have proposed, may not fully meet your views, and to your judgment I therefore submit these considerations, with the expectation that, if they do not receive your sanction, some better system may be devised which will effectually obviate the objectionable features of the act now in force.

INSOLVENT LAWS.

I am confident that the present act regulating proceedings in cases of insolvency has failed to meet the expectations of those who favored its adoption. The history of those proceedings had in insolvent cases in the various courts of this state, furnish, in numerous instances, abundant evidence of the necessity existing for its repeal or essential modification. The policy of different states, and of the general government, relating to this matter has at different periods varied materially; more especially in reference to permitting the insolvent personally to make application for a discharge from his indebtedness. In many states—and such is the English policy—the insolvent, or bankrupt, has not the right to make application for the benefits of the law, but his creditors may enforce its provisions against him. The change of our law, in this particular, would at once remove all inducement for attempting the perpetration of frauds so easily effected under the present act. If, however, this suggestion does not meet your approbation, I am induced to believe you will at least make such amendments as will, to a considerable degree, arrest the evils complained of. The applicant should accompany the petition for a discharge from his indebtedness with the written consent of those representing at least one-half of the amount of debts em-

braced within such proceedings; and notification to creditors required to be made by newspaper publication in the county of which the applicant is a citizen, for the space of three months before the hearing of such application.

HOMESTEAD.

Experience has amply demonstrated the necessity of some amendments to the act of 1851, "for the exemption of the homestead and other property from forced sale." The law should provide that the property claimed as a homestead be entered on the records of the county in which it is situated, and be designated and appropriated for this purpose, and occupied as the residence of the family. Such a course would place this family heritage beyond the reach of cavil or question, and at the same time, constitute such a notification to creditors as to leave them without excuse in their efforts, if any should be made, to subject it to execution or other legal process.

SOLE TRADERS.

The act authorizing married women to transact business in their own names as sole traders, should be so amended as to restrict the wife, who avails herself of its provisions, to such business as is suitable and becoming for her sex; and also to require that the declaration made by her shall state that no portion of the capital employed in the proposed business was derived either directly or indirectly from the husband.

The intention of this law was to guard the industrious and frugal wife from distress and want by the prodigality and carelessness of an improvident husband, and this object can be readily attained with the amendments here suggested, whilst these changes would tend to prevent those frauds which may now be practiced with impunity. It will be readily seen that the husband can easily shield his property from his creditors under the law as we find it.

It is believed that the liberality of our laws as affording security for the maintenance of families, are unequalled by the enactments of any other state. Our constitution provides that all the property of the wife, owned or claimed by her before marriage, and all afterwards acquired by gift, devise or descent, shall be her separate property, and it is consequently exempt from the debts of the husband. A like constitutional provision has induced the enactment, as already shown, of a homestead law, which secures to each family a home of the value of five thousand dollars.

With the liberality of the law in furthermore exempting from forced sale certain personal property, most assuredly the protection to families is abundant, without resort to the cover of fraud, so conveniently afforded by the existing law, now under consideration.

DIVORCES.

It is the province of government, and should be its policy, to discourage, so far as consistently can be done, the dissolution of the marriage tie, which constitutes one of the distinguishing traits, and is likewise rendered a most efficient aid in the advancement of civilization and morality. Those who are observant of the facility with which divorces from the bonds of matrimony are obtained under present enactments, as evidenced in the numerous cases presented to our courts, will readily conclude that there is some radical defect in the law. Some of these objectionable features of the law I will call to your attention.

The publication of notice, as now authorized, should be more restricted—a greater length of time required—and even then the party compelled to make a

proper showing to the court, that personal service has been had on the defendant, or ineffectual efforts employed to make such service wheresoever the party may reside. All cases of this character should be tried by a court and jury in open session, by which the results so frequently following the reference of cases, may be avoided. It should also be made the duty of the district attorney to appear in opposition to all such applications. The adoption of these suggestions would, doubtless, materially reduce the number of applications, and prevent the disreputable uses to which the law has been prostituted.

EVIDENCE IN COURTS OF JUSTICE.

I would further urge upon your serious consideration the propriety of amending our statutory laws regarding witnesses, and the competency of their evidence in criminal and civil cases.

Under the statute, as it now exists, "Indians, or persons having one-half or more of Indian blood, and negroes, or persons having one-half or more of negro blood, in an action or proceeding to which a white person is a party," are excluded from giving testimony in any case. This prohibition embraces those, including Asiatics, who, by our constitution, are excluded from the enjoyment of our political rights, yet are not denied a residence among us; but, on the contrary, by the policy of our laws, are encouraged to dwell in our midst, and by their labor augment the wealth and contribute to the revenues of the state. In all their rights of persons and of property, they are guaranteed the protecting power of the government; yet this cannot effectually be extended, whilst they are excluded from testifying in our courts of justice. Outrages and deeds of violence are constantly occurring, without the possibility of detection or of punishment, because the only witnesses by whom their commission can be proved are denied the privilege of giving evidence. This indiscriminate prohibition I regard as utterly at variance with the spirit of our constitution and a wise and judicious governmental policy. And, whilst both judges and juries should estimate the weight and credibility of the evidence admitted, I apprehend no serious evil can arise from modifying the law so far as to authorize the court, in the absence of other testimony, to receive such evidence in judicial proceedings.

EVIDENCE IN CHANCERY CASES.

By the existing provisions of the law, in civil actions the deposition of a witness cannot be used either in actions at law or in chancery, if such witness is a resident or within the county at the time of trial. By the ancient rules in equity proceedings, and in all countries where the common law now prevails, the universal practice is to present the testimony by the depositions of witnesses, and not an oral examination in open court. This practice is found to be an absolute necessity in the transaction of business of the courts, else complicated and tedious trials of this character would consume unnecessarily its time, to the great inconvenience and detriment of other interests. The law should be amended so that in all chancery proceedings, testimony shall be taken by depositions exclusively.

CONGRESSIONAL ELECTION.

For successive years the effort has been made by our Legislature to sub-divide the state into congressional districts, from each of which a single representative should be chosen; but thus far, notwithstanding precedent and example are afforded by the action of all the other states, no measure of this character has been adopted. No valid reason can be adduced why such a system of congressional representation should not prevail here as elsewhere. Indeed, the vast extent of

our territory, and the varied interests and pursuits of our people peculiarly require such a provision to be made, and such trivial reasons as preferences for particular individuals, or the probable success of political favorites in their aspirations for congressional honors, should not be permitted to influence your counsels or direct your action. With the full belief that you will enact a law of this character, having reference to an equality of population and contiguous territory, these views are respectfully submitted.

At the legislative session of 1852, a change was made in the time prescribed for the election of members of congress by which such election should occur in the year immediately preceding the meeting of the Congress to which they are elected. As the general election, excepting on the recurring of a presidential contest, is held nearly sixteen months before the time when it is necessary they should enter upon their duties, it is a matter of doubtful propriety to appoint so early a period for the election of our representatives.

Reasons which existed when that law was enacted, have at this time no proper application. The unsettled condition of the population, and the want of facilities, since afforded, for the transmission of returns, rendered it a matter of impossibility for the members elect to receive the evidence of their election, and reach the scene of their labors in time to participate in the opening proceedings of Congress. At all times, representatives should be chosen at the nearest possible approach to the assembling of the body to which they are elected, so that, in their representative character, they may appear as the real exponents of the opinions and sentiments of their constituency; and in a state like this, with its migratory population, the observance of this principle is of absolute necessity.

Another cogent reason for the proposed change is, that our political elections, involving the choice of a president, state officers and members of congress, could then occur at most, but in alternate years. I am confident the people of the state would hail with much delight, the passage of a law by which the elections, other than presidential elections, could be held within the same year, thereby, for a time, at least, avoiding the excitement and strife consequent upon such political contests.

SUPREME COURT.

The Supreme Court, in all instances, are required by law to deliver written opinions upon the decisions of the same. By the testimony of the court, and the experience of those who are practitioners before it, it is shown that this rule in many cases is devolving upon that body needless and unnecessary labor, and is productive of mischievous effects. Frequently it is, that cases are appealed merely for delay; and when called in their regular order upon the calendar, and submitted to the court, the time which will then transpire before the cases can be decided in their relative positions with other causes submitted, several months may elapse; and which, but for this requirement of the law, could as properly have been decided, orally, by the court at the instant of its submission. The accumulating labors imposed on this court, suggests the necessity of relieving them from such portion of their official duties as can be consistent with the public interests; and in this instance it can be done with great propriety. To this extent I would propose to amend the act referred to, by authorizing the Supreme Court, in their discretion, in those instances where the judgment of the court below is affirmed, to render oral decisions.

ENROLLMENT OF BILLS.

I deem it my duty to call your attention to the importance of a more careful examination of the bills enrolled by the clerks of the two branches of the Legislature than has heretofore been observed. At its last session, the disagreeable

necessity devolved upon me to return several bills, on account of palpable errors in their enrollment. This should not again occur, and will not, if competent clerks only are employed, and the enrolling committees properly perform their duties. Oftentimes the omission or change of punctuation, or the erroneous orthography of a single word, may be attended by the most injurious effects. A notable instance of this character occurred not long since, in a suit involving \$8,000, which was decided by the Supreme Court against the state, on a construction given to a particular section of the constitution. This resulted from the absence of a *single letter*, omitted in the published editions of that instrument; and the mistake was not discovered until at a later time, a case involving a similar principle was tried in the same court, and, upon examination of the original parchment copy on file in the state department, disclosed the mistake into which the court had been led. No erasures or interlineations should exist in a bill, when sent to the Executive. The uniform observance of this custom will prevent the possibility of any unauthorized alteration being made in a law after it has passed the Legislature.

Among the established regulations of the two Houses, a rule has heretofore existed that no bill should be presented to the Governor on the last day of the legislative session. This rule has never been enforced; but, on the very last day of the session, frequently many of the most important bills are delivered to him, when a sufficient time for proper examination of them is not afforded. From this cause, it may often result that improper legislation receives his approval.

MILEAGE.

The schedule of distances, as fixed by the act of May 15, 1854, between the different points mentioned in it, is made the basis of compensation for such public officers as are by law entitled to mileage from the state, including members of the Legislature, county treasurers—when visiting the capital on business relating to their office—and the sheriffs of the counties, when charged with the transportation of convicts to the state prison. At that period, but an imperfect knowledge was possessed of the distances so established, and with the better understanding of the subject which we now have, it can be readily perceived that, with probably two exceptions—and those are cases wherein the seats of justice have been removed to more remote localities since the passage of the law—as the distances are therein classified, gross injustice is permitted to be done the state, resulting in the payment from the treasury, in each year, many thousands of dollars more than the officers are properly entitled to receive. Compensation of this character is made by law to reimburse the expenses which are incident to traveling whilst in the performance of public duties, and the rates as now affixed, evince much liberality, and when the demands are promptly paid, as has been the case during the past year, constitutes a source of no inconsiderable profit to the officer; wherefore, such alterations should be made in the act, as will define the distances with greater accuracy, and with a just regard to the protection of the interests of the state.

In the same connection, I would also request your attention to be given to his subject in another particular. About the sum of forty thousand dollars is drawn from the state treasury in each year, for the transportation of convicts to the state prison. For this service, the allowance should be simply an amount sufficient to meet the expenses necessarily incurred in the performance of this duty. Whilst it is made a state charge, it will be impossible to restrict the payments within those limits; but make it a county charge, empowering the boards of supervisors to audit bills for the actual expenses thus incurred, and it will be seen that this item of expenditure would not exceed one-half the present cost. The same rule of allowance by the state, originally applied to the transportation of patients to the insane asylum, but afterwards it was made a county charge. Since

then, the cost has been materially diminished, and the same result would follow the adoption of this proposed amendment.

STATE AGRICULTURAL SOCIETY.

The constitution of our state enjoins upon the Legislature the duty of encouraging, by all suitable means, the promotion of agricultural improvement; and, with the object of carrying into effect this wise and beneficial provision, an act was passed in 1854, incorporating a state agricultural society, and the sum of five thousand dollars each succeeding year has been appropriated from the public treasury, to be expended in the distribution of premiums at the annual fairs held by the society. These appropriations have thus far been judiciously used, in accordance with the objects of the law, and have contributed much to the interest given to this laudable purpose, by inducing competition for the honors awarded at these exhibitions for the productions and skill of our people. I deem the designs of the association as eminently worthy of the fostering aid of government, and request that the usual sum be appropriated at the present session, to be expended under the auspices of the agricultural society, for similar purposes.

AN ACT FOR THE PROTECTION OF SETTLERS.

The act of March 26, 1856, designed for the protection of settlers upon private land claims, having in its most essential feature been decided unconstitutional by the Supreme Court of our state, it has thereby been rendered nugatory in its operation. In view of this fact, together with the evident necessity of protecting, by legislative enactments, a numerous class of cases which present most cogent reasons for such interposition, I recommend that such an act be passed, which will obviate the objectionable features of the law referred to, whilst rendering such security to the large number of our citizens as will be equitable and just towards all the parties who may be interested in the decision of such questions.

STATE LIBRARY.

The report of the Secretary of State, herewith transmitted, will communicate to you a detailed exhibit of the condition of the state library. This fund, arising from the fees in the office of Secretary of State, is rapidly building up a valuable collection of books—there having been added within two years, inclusive of purchases which have been made and are now on the way from the east, three thousand two hundred and sixteen volumes; at the present time there are in the library, exclusive of the laws and journals of our own state, no less than six thousand and eight volumes of well-selected standard works. From the receipts of the office for the past two years, five thousand and ninety-four dollars have been expended in the purchase of books. By the judicious application of this fund as it accumulates, in a few years the library will become a matter of commendable pride and boast to our citizens.

With the facilities afforded by existing laws, in an interchange of our state publications, we are annually in receipt of the laws, journals and judicial decisions of other states and territories; also, the various congressional publications. This statute only embraces the states, territories and departments of the general government; and if like facilities were afforded so as to include foreign governments in this system of exchange, at a trivial cost we would procure from these sources many of the most valuable works issued from the press of other countries.

EDUCATION.

Amidst the innumerable evidences which so cheeringly portray our advancement in all those essential elements contributing to the prosperity and welfare of the people and government, none can more justly excite admiration, or claim the fostering aid of the state, than its educational interests.

This subject demands your most considerate attention, in the adoption of such legislation as will render available the rich legacy bestowed upon our schools and seminaries of learning. It is needless, at this time, to indulge in reflections upon the past inaction with which, on this subject, the preceding Legislatures may be justly censurable; but, if they have been unmindful of their interest, it only renders more manifest your duties, and enhances your responsibilities. Of the five hundred thousand acres of lands donated by the general government for common school purposes, two hundred and thirty-seven thousand four hundred acres have been sold, at two dollars per acre, realizing \$478,800 00; upon which the state pays seven per cent. interest, amounting to the annual sum of \$33,521 60, which, with other resources, is increased to \$58,520 88, the present year; and, excepting in those cities and counties where a special tax is levied for the purpose, this amount is all the aid at present derived from the government. Of the five hundred thousand acres of lands referred to, there is yet unsold two hundred and sixty-two thousand five hundred and sixty acres. Also, by an act of Congress, we are entitled to the sixteenth and thirty-sixth sections (one-eighteenth part of the whole,) of the public lands in the state, the proceeds of which are to be appropriated for similar educational purposes. After making due allowance for private land claims and swamp lands, the proportion belonging to the state cannot fall short of three millions of acres which can be made available, and will, in the course of time, doubtless realize the average rate of two dollars per acre; and, when all are disposed of, constituting a common school fund of \$7,000,000. It is true, many years must necessarily elapse before the increase of population and advancing settlement of the state will enable us to realize, to the full extent, the invaluable benefits of this noble heritage; but, from year to year, the increasing sales of the lands will continue to augment these revenues, and, ere long, will be enjoyed in this state the benefits of the most munificent common school fund possessed by a population of equal number in any country.

A table, showing the number of school children, schools, and teachers—also the amount of school fund distributed—in different years since the establishment of our school system, will be found in the appendix. From this it will be seen that the number of school children for the past year was 35,722, being an increase over the number reported in 1856 of 5,683. The rapid increase of those who are dependent on the school fund of the state for the means of education, should certainly constitute an urgent reason why the large quantity of school lands to which we are entitled should be made productive.

Also, for the purpose of establishing a state university, a liberal donation has been made by the general government. With reference to these matters, they have received the attention of both the late and the present Superintendent of Public Instruction, and the recommendations made in their reports are worthy of your most earnest attention. Efficient measures should be adopted to have these lands selected, as the longer the delay occurs, the less valuable will be found the lands remaining from whence these selections can be made.

SWAMP LANDS.

From the estimate made by the Surveyor General, there are not less than five millions of acres of swamp lands within our borders belonging to the state. Some have been sold, the particulars of which will be found in the annual report

of the Surveyor General; yet the larger portion are not only unsold, but have not been selected or set apart for our use. Measures should be at once provided to have these lands designated. The value which will attach to them is, in a great measure dependent on their reclamation; and without the adoption of a regular plan or system, whereby large bodies of lands of this character may be reclaimed, they will prove of but little value.

A plan which would effect the desired object, and the compensation to be made in a portion of the lands, occurs to me as the only feasible way to render them productive. I would recommend that the entire laws regulating the land system of the state—embracing the swamp and school lands—be remodeled, and transferring the duties appertaining to them from the office of the Secretary of State to that of Surveyor General, where such duties can be performed more understandingly. The present law relative to the location and purchase of school and swamp lands, is too complicated, and the expenses incurred thereby much enhanced. These expenses often fully equal the price of the lands. Whilst this state of facts exists, it will serve much to retard the sale of them.

MILITARY AFFAIRS.

The isolated and exposed condition of California peculiarly requires a system of military organization which, during a period like unto our present peaceful relations, may be simplified in its operations, and maintained at a mere nominal expense; while the same organization, in any contingency which could possibly arise, would be adapted to all needful and requisite purposes. To fill the measure of either of the foregoing requirements, our present military system is manifestly insufficient. As a peace establishment, it is too complex and expensive; for purposes of war, impracticable and useless.

To the attainment of these ends, I suggest the abolishment of the adjutant and quartermaster general's office—the duties of that office to be devolved, *ex officio*, on the Secretary of State, and conferring on the commander-in-chief (the Governor of the State) authority to appoint the requisite staff officers, conforming to the organization of the United States army—in the happening of those contingencies so peculiarly excepted in our state constitution—"in case of war—to repel invasion or suppress insurrection." Furthermore, the present subdivision of the state into divisions and brigades, should be made to conform more properly to adjacent territory, and to equalize the number of citizens liable to the performance of military duty. A yet more radical re-organization, whereby the major and brigadier-generals shall be re-elected or appointed, I am not sure but that it might prove, in some instances, highly beneficial, in case the military force of the state should be called to the field.

WOOD'S DIGEST.

The digest of laws compiled by Wm. H. R. Wood, and published by authority of the last Legislature, has been completed, and five hundred copies—the number authorized—delivered to the state. The work is gotten up in a manner reflecting much credit upon both the compiler and publisher; and, combining, as it does, in one conveniently sized volume, all the laws of a general character, arranged under appropriate heads, and with a complete index, must prove of great public utility. The number of copies which has been purchased by the state, is wholly inadequate to the supply of those officers which should receive them. The acts of the earlier sessions of our Legislature, have nearly, if not quite, all disappeared from the library. Indeed, they have become so scarce, that it is a difficult matter to obtain them anywhere. The consequence has been, that for several years past, officers of justice have experienced serious inconvenience for the want

of the necessary acts to inform them of the proper discharge of their duties. This deficiency can now be supplied by the purchase of an additional number of copies, sufficient to supply the state and county officers, besides retaining in the library a number of copies for future use and distribution; and I recommend that such authority be given. The laws by this means, will be distributed in a more compact and convenient shape, and at a mere trifle of the cost which would attend the revision of the entire code, or a republication of the laws as they now exist.

BOARD OF EXAMINERS.

The report of the proceedings of the board of examiners, composed of the Secretary of State, Attorney General, and Governor, shows the beneficial workings of the act creating the board. Since its organization, April 18, 1856, up to Jan. 1, 1858, 2,066 accounts were acted on, in which was claimed \$853,673 94, and on which was allowed \$780,608 12, being a reduction of \$73,065 82. The law relative to this matter should be amended so as to relieve the private secretary of the Governor from the performance of the clerical duties of the board. As a regular system of books has to be kept by this clerk, and the duties are such that, if properly performed, will require all the time of a competent person qualified for such labor, authority should be given them to employ a clerk.

CARSON AND ARIZONA TERRITORIES.

The rapidly increasing settlement of the territory immediately adjacent to our eastern border by a population of worthy and enterprising people, manifesting a due observance and obedience to the institutions and laws of their country, requires, for the protection of their persons and property, a territorial organization. Even prior to the departure from their midst of the Mormons, and before their leaders had assumed an attitude of hostility towards the general government, from the peculiarity of Mormon customs and the decided partiality and favoritism exercised by them in the administration of justice, but feeble aid and protection were afforded to those who denied the verity of their peculiar creed. And now, when among this deluded people rebellion and treason are made manifest, even the semblance of governmental aid is denied to the residents of Carson and the adjoining valleys. The situation of that country, through which necessarily passes a large proportion of the overland immigration to this state, with the probability of a rapid increase of citizens within its limits, whose interests must in a great measure be inseparable from our own, constitutes it an additional link in the chain of connection which unites us with the existing states and territories of the Union, and makes it an important auxiliary in the advancement of our state in population, wealth, and political influence. Some of the foregoing remarks may also apply to the territory south of us, Arizona, for which, as you have seen, the President has recommended the establishment of a government. I would therefore most earnestly request an expression of opinion from the State Legislature, favorable to the creation of a government for each of those territories, during the present session of Congress.

EASTERN BOUNDARY.

Another subject having an intimate connection with the foregoing is that which relates to our eastern boundary. This line has never been authoritatively established, and has given rise to much confusion in the administration, particularly of our criminal laws and the collection of revenue. The difficulty should be removed by the concurrent action of the state and general government authorizing the survey and permanent location of this line. To do this, an act should be passed authorizing the Surveyor General of this state, in connection with such person as

may be designated by the federal authorities, to perform such duty. This would, of course, require an expenditure of money by the state; yet its importance fully justifies such an appropriation.

REPORTS OF OFFICERS.

Attention is called to the accompanying reports of the Treasurer, Comptroller, Secretary of State, Superintendent of Public Instruction, and Quartermaster General, in which the business of their respective departments is fully exhibited for your information.

I have now "communicated to you the condition of the state, and recommended such matters as I deem expedient," in accordance with the mandates of the constitution, and in a brief time will be succeeded, as your Executive, by one who is worthy of your confidence; and whose enlarged experience and capability will tend to advance the public interests and promote the public welfare. Two years ago, with doubts and misgivings, I assumed the duties and responsibilities of the Executive position. To the people of the state, on that occasion, I gave the pledge "that in all matters of public duty an impartial, honest and conscientious course shall illustrate my action." How far this promise has been fulfilled, is not for me to answer, but the province of the people to judge. To elevate the character of the state, and advance the interests of its citizens, has been my highest aspiration; and with all the embarrassments and difficulties which have constantly arisen to impede the successful administration of public affairs, I can with confidence recur to the condition in which I leave the state on my retirement, as a vindication of my policy, and a defence of the administration. That this prosperity may be vouchsafed to our state in all future time, and a kind Providence guide and direct its destiny, is my sincere and unaffected desire.

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT, CAL., }
January 8th, 1858. }

APPENDIX.

[A]

AN EXHIBIT,

Of the actual Expenditures of the State Government; also, the Receipts during the same time, for the years 1855, 1856, and 1857, being from and inclusive of the first day of January, to and inclusive of the thirty-first day of December of each year—exclusive of interest on the Public Debt:

Total amount of warrants drawn in 1855.....	\$1,519,054 47	1855.	
Amount of warrants drawn in 1855 for indebtedness of previous time.....	289,127 64	Expenditures	\$1,427,547 07
		Receipts.....	990,848 87
	\$1,229,926 83	Excess of expenditures.	<u>\$436,668 20</u>
Amount of warrants drawn in 1856 for indebtedness of 1855.....	196,402 71		
Amount of warrants drawn in 1857 for indebtedness of 1855.....	1,187 53		
Amount of expenditures for 1855.....	<u>\$1,427,517 07</u>		
Total amount of warrants drawn in 1856.....	\$1,184,885 33	1856.	
Amount of warrants drawn in 1856 for indebtedness of previous time.....	228,312 56	Expenditures	\$1,050,912 19
		Receipts.....	886,023 48
	\$956,572 77	Excess of expenditures.	<u>\$144,888 71</u>
Amount of warrants drawn in 1857 for indebtedness of 1856.....	74,339 42		
Amount of expenditures for 1856.....	<u>\$1,030,912 19</u>		
Total amount of warrants drawn in 1857.....	\$767,330 89	1857.	
Amount of warrants drawn in 1857 for indebtedness of previous time.....	75,526 95	Receipts.....	\$1,152,234 09
		Expenditures	699,803 94
	\$691,803 94	Excess of receipts.....	<u>\$452,430 15</u>
Amount of salaries due and warrants not drawn, say.....	8,000 00		
Amount of expenditures for 1857.....	<u>\$699,803 94</u>		

[B] AN ABSTRACT OF TAXABLE PROPERTY,

In the several Counties of this State, as shown by the returns for the year 1857, as exhibited by the reports of the County Auditors to the State Comptroller, and the reports of Assessors and County Surveyors to the Surveyor General.

Alameda,	\$3,020,836 00
Amador	2,258,494 34
Butte,	3,944,862 00
Calaveras,	2,485,798 00
Contra Costa,	1,869,405 00
*Colusa,	1,476,317 49
Del Norte,	507,165 00
El Dorado,	3,129,518 00
Fresno,	383,730 00
Humboldt,	834,650 00
Klamath,	485,800 00
Los Angeles,	1,973,242 00
Marin,	1,473,187 00
Mariposa,	2,037,589 00
Merced,	811,721 00
Monterey,	881,188 00
Napa,	2,255,401 00
Nevada,	3,037,946 00
Plumas,	1,333,605 00
Placer,	2,226,236 38
Sacramento,	11,193,945 00
San Francisco,	39,706,105 00
San Joaquin,	4,102,815 00
San Luis Obispo,	466,870 00
Santa Barbara,	1,024,643 00
Santa Clara,	4,504,328 00
Shasta,	1,986,864 00
Siskiyou,	2,801,370 00
Solano,	2,502,432 00
Stanislaus,	665,182 00
Sutter,	1,536,716 00
San Mateo,	1,385,217 60
*San Bernardino,	302,039 11
Santa Cruz,	1,009,050 00
Sierra,	2,218,026 00
Sonoma,	4,346,320 00
*San Diego,	699,859 00
Trinity,	1,231,056 00
Tulare,	488,821 00
Tuolumne,	2,894,450 00
Tehama,	1,741,331 00
Yuba,	6,335,488 00
Yolo,	2,235,650 00

Total taxable property in the State, for 1857,	\$131,806,268 92
Total taxable property in the State, for 1856,	113,458,000 00

Increase of taxable property,	\$18,348,268 92
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*No return from these counties for 1857, therefore the assessors' report for 1856 is adopted.

REPORT

Of the Net Receipts from the Stamp Tax for the Six Months ending December 31, 1857.

DATE.	SOURCES FROM WHENCE RECEIVED.	Bills of Exchange.....	Letters of Credit or Certificates of Deposit.	Policies of Insurance.	Passenger Stamp Tax.	Attorney's Stamp Tax.	TOTALS.
1857.							
July	Cash received in Comptroller's Office	\$7,115 56 .....	.....	\$998 10	\$2,714 00	\$30 00	\$11,257 66
August	Cash received in Comptroller's Office	4,011 03 .....	.....	240 12	2,346 00	10 00	6,607 15
September.....	Cash received in Comptroller's Office	4,363 58 .....	.....	956 80	2,364 40 .....	.....	7,684 78
October	Cash received in Comptroller's Office	2,917 01 .....	.....	558 44	2,760 00	60 00	6,295 45
November	Cash received in Comptroller's Office	2,416 11 .....	.....	669 02	1,840 00 .....	.....	4,925 13
December	Cash received in Comptroller's Office	905 96 .....	.....	290 20	1,058 00 .....	.....	2,254 16
July to Decem.	Totals received in Comptroller's Office	\$22,129 25 .....	.....	\$3,712 68	\$13,082 40	\$100 00	\$39,024 33
July to Decem.	Cash received from San Francisco County.	11,320 86 .....	.....	1,730 15	134 83 .....	.....	13,185 84
July to Decem.	Cash received from San Joaquin County.	146 50 .....	.....	.....	.....	.....	146 50
July to Decem.	Cash received from Yuba County	646 54 .....	.....	.....	.....	.....	646 54
July to Decem.	Grand Totals	\$34,243 15 .....	.....	\$5,442 83	\$13,217 23	\$100 00	\$53,003 21

Total amount expended in carrying out the Stamp Act from July 1st to January 1st, 1858, Salaries, Stamps, Printing and Paper..... \$4,332 58

STAMP DEPARTMENT,
Comptroller's Office, December 31, 1857. }

[D]

AN EXHIBIT,

Of Revenue paid into the State Treasury from the following named Counties, with the Expenses of such Collection, and the per centage thereon, since July 1, 1857.

COUNTIES.	Total Amount Received.	Expense of Collection.	Amount Paid In Treasury.	Per Centage.
Alameda	\$20,230 94	\$3,140 96	\$17,089 98	1 1/2
Amador	35,580 75	2,505 94	33,074 81	7 1/2
Butte	60,423 54	5,649 24	56,774 30	6
Calaveras	10,067 69	4,007 45	6,060 24	21
Colusa	10,396 44	835 39	9,701 05	8 1/2
Contra Costa	12,680 92	839 26	11,841 66	66-10
Fresno	1,490 78	114 99	1,384 79	76-10
El Dorado	35,767 10	2,819 00	52,918 10	6
Humboldt	1,895 61	210 06	1,685 55	11
Los Angeles	27,974 19	5,977 24	21,996 95	21
Marin	2,202 03	137 19	2,064 84	6 1/2
Mariposa	22,421 40	796 63	21,624 77	3 1/2
Merced	674 36	68 63	605 73	10
Monterey	981 84	174 19	807 65	177-10
Napa	15,381 24	439 31	14,941 93	29-10
Nevada	33,027 11	1,113 27	31,913 84	33-10
Placer	41,241 79	2,887 60	38,354 13	7
Plumas	3,943 67	1,916 99	2,026 68	8
Sacramento	77,910 44	6,802 25	70,208 19	88-10
San Bernardino	3,103 26	701 22	2,402 04	40
San Francisco	218,641 40	11,865 02	206,776 38	54-10
San Joaquin	29,062 83	882 34	28,180 32	3
San Luis Obispo	347 88	198 38	149 50	57
San Mateo	2,542 26	146 66	2,395 60	57-10
Santa Barbara	1,632 49	358 67	1,284 42	218-10
Santa Cruz	8,244 00	913 34	7,330 09	11
Santa Clara	33,898 61	1,740 02	32,158 59	52-10
Shasta	4,616 00	298 48	4,317 52	5
Sierra	22,594 75	4,828 05	17,766 70	21
Siskiyou	10,703 02	489 09	10,213 93	4 1/2
Solano	14,956 37	1,553 23	13,403 14	10 1/2
Sonoma	3,053 69	1,066 60	3,987 09	21
Stanislaus	3,304 09	170 80	3,133 26	5 1/2
Sutter	11,116 58	774 01	10,342 57	7
Tehama	990 28	104 70	885 58	19
Trinity	13,424 53	688 47	12,736 06	61-10
Tuolumne	37,237 42	2,511 11	34,726 31	68-10
Yolo	16,149 15	1,108 30	14,740 82	87-10
Yuba	45,495 51	4,116 70	41,378 81	9
Tulare	5,074 40	808 31	4,216 09	167-10
Totals	\$921,789 57	\$74,089 35	\$847,700 02	8 37-100

RECAPITULATION.

Total amount received for state purposes.....	\$921,789 57
Expense of collecting same.....	74,089 35
Amount paid into the State Treasury.....	\$847,700 02
Average per centage for collecting the foregoing.....	8 37-100

* These counties have presented no claims for the payment of assessors for 1857.

[E]

AN EXHIBIT,

Showing the number, as reported by the census, of School Children in the State; Schools, Teachers, and amount of school moneys apportioned in each year, since the organization of the school system.

	1853.	1854.	1855.	1856.	1857.
Children.....	11,242	19,472	26,077	30,039	35,722
Schools.....		168	227	313	367
Teachers.....		214	301	339	486
Fund distributed...	\$53,511 11	\$39,104 78	\$52,827 81	\$82,014 80	\$58,520 88

NOTE.—No report was made of the number of scholars or teachers in 1853.

[F]

EXHIBIT,

Of Accounts acted on by the Board of Examiners—consisting of the Governor, Secretary of State and Attorney General—since the organization of the Board to the first day of January, 1858.

Amount of accounts presented to the Board of Examiners for allowance, from the 18th April, 1856, to the 31st day of December, 1857—from Nos. 1 to 2,066,	\$853,673 94
Amount allowed,	780,608 12
	<u>\$73,065 82</u>
Amount from April 18th to December 31st, 1856—Nos. 1 to 816, inclusive,	\$373,553 01
Amount allowed,	319,971 19
	<u>\$53,581 82</u>
Amount from January 1st to December 31st, 1857—Nos. 817 to 2,066, inclusive,	\$480,120 93
Amount allowed,	460,636 93
	<u>\$19,484 00</u>

Two thousand and sixty-six accounts audited, from 18th April, 1856, to December 31st, 1857.

[G]

REPORT OF BOARD OF EXAMINERS OF WAR CLAIMS.

OFFICE BOARD OF EXAMINERS,
SACRAMENTO, Dec. 15, 1857. }

SIR:—I have the honor to transmit, herewith, the report of the Board of Examiners of War Claims, pursuant to law,

I am, Sir,

Your Obedient Servant,

WM. C. KIBBE,

Quartermaster General, and President Board of Examiners.

To His Excellency, J. NEELY JOHNSON, Governor of the State of California.

OFFICE BOARD OF EXAMINERS, (War Claims,)
SACRAMENTO, Cal., Dec. 15, 1857. }

To His Excellency,

J. NEELY JOHNSON,

Governor of the State of California:

SIR:—Pursuant to the provisions of an act entitled “An act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in the state, approved April 25th, 1857,” the undersigned, board of examiners, have the honor to

REPORT:

That on the 9th day of June last, the board of examiners was duly organized by the election of W. C. Kibbe, president, and immediately entered upon the discharge of the duties assigned it by the act referred to.

The first business of the board was to request the publication of notices in one or more newspapers published in each of the counties enumerated in the act, to the effect that the board would act upon claims upon which bonds were authorized to be issued, when presented, duly authenticated by the requisite oaths and certificates.

The board has aimed to have each and every valid claim so supported by affidavits and certificates of officers, and others connected with the various expeditions, as to conform as far as possible to the forms established in the army of the United States, and thus render them complete vouchers whenever they shall be referred to Congress or to the war department.

This action has caused much delay in the settlement of the business assigned to the board, and in some cases has put claimants to trouble and expense, but the board, having in view the final assumption of these bonds by the general government, have regarded the advantage to be gained by presenting perfect and complete papers.

The vouchers and papers made up and acted upon by Commissioners McDonald and Jones, in 1856, for the expeditions against the Indians in the counties of Siskiyou, Humboldt and Klamath for the years 1852-3-4-5, having been improperly endorsed by the clerk of the last Assembly could not be, or were not found until the last month, and consequently new papers had to be made out and presented, causing much delay, and great expense to the claimants.

The board has, however, held its meetings from time to time, and allowed claims as follows, viz. :

For services rendered and supplies furnished for the expedition against the Indians in Siskiyou county, A. D., 1855,	\$13,997 70
For services rendered, supplies furnished, and property destroyed in the counties of Humboldt and Klamath, in the Indian war in the year A. D., 1855,	89,189 18
For services rendered and supplies furnished in the expedition against the Indians in Siskiyou county for the year A. D., 1856.	172,854 80
For services rendered and supplies furnished for the expedition against the Indians in the county of Sutter, A. D., 1850,	3,710 00
For services rendered and supplies furnished for the expedition against the Indians in the county of Nevada, and for property destroyed by the Indians in said county, in the years A. D., 1850 and 1851,	1,109 00
Total,	\$280,860 68

Certificates for the amount of \$225,299 01 have been issued by the board upon claims allowed for the expeditions above named.

The pay of troops serving in this state subsequent to the 25th of April, 1855, having been established by law, it therefore devolved upon the board to fix the pay for services rendered prior to that day, which was established at the following rates per month :

For Captains,	\$75 00
For First Lieutenants,	60 00
For Second Lieutenants,	55 00
For First Sergeants,	50 00
For Duty Sergeants,	45 00
For Corporals,	40 00
For Privates,	35 00

The board of examiners have the honor to suggest to your Excellency the propriety of calling the attention of the ensuing Legislature, through the medium of your annual message, to the fact that many of the parties who have rendered service in, and furnished supplies to the various Indian expeditions, have waited long upon the government for their pay, and also of recommending the passage of a memorial to Congress, and resolutions instructing our senators and representatives relative to the speedy assumption of the debt by the General Government.

The act creating this board designated Mr. A. J. F. Phelan as its clerk, without fixing a compensation for the services, or appropriating moneys to pay for the same, and the board would respectfully represent that Mr. Phelan has performed the arduous duties pertaining to the position faithfully, and recommend an allowance of \$125 00 per month for the same, from the organization of the board, and also that his account against the state for stationery and books furnished the board, be allowed and paid.

Respectfully submitted,

WM. C. KIBBE, President,
Quartermaster General.
G. W. WHITMAN,
Comptroller of State.
JAS. L. ENGLISH,
Treasurer of State.

[H]

REPORT OF COMMISSIONERS OF CALIFORNIA WAR DEBT.

To His Excellency,

J. NEELY JOHNSON,

Governor of the State of California :

SIR:—The Commissioners appointed by the act of April 19, 1856, to liquidate the War Debt of the State, beg leave to

REPORT :

That in accordance with the provisions of said act, so soon after the passage of the same as practicable, they opened an office in the city of Washington, and made application to the Secretary of War, as by said act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred "by the state in suppression of Indian hostilities." As evidence of said indebtedness, the commissioners submitted a certified copy of the war bond register of said state—the various acts of the Legislature authorizing the issuance of said bonds, and the journals of the Legislature exhibiting the action of that body in relation to the same, proposing, further, to deliver to him the bonds issued by the state before making requisition for said money. In reply, the Secretary of War stated, in substance, that the proofs submitted were insufficient—that he could not recognize the bonds as evidence of the indebtedness, but that the act of Congress of August 5, 1854, under which act the appropriation was made, would require him to go into an examination of the original vouchers. As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced, at our instance, directing the Secretary of War to pay over the full amount of the appropriation, as directed by the Legislature of the state of California. This bill meeting with violent opposition, influenced to a great extent by the holders of the seven per cent. bonds, who felt aggrieved at the manner of distributing the appropriation directed by said act, and being unwilling to give our sanction to any congressional action which might clash with the act of the state of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc. As we had anticipated, the examination was delayed, and after several interviews with the accounting officers, to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the state would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bond-holders to a bill providing a *pro rata* distribution of the appropriation, viz. : the payment of the principal of all the bonds issued prior to January 1, 1854, and interest on the same up to that date. This bill passed. Immediately upon its passage the commissioners advertised for the redemption of said bonds in various daily papers, a list of which will be found in the minutes of the commissioners accompanying this report, which advertisement directed that all bonds should be presented to the commissioners before the first day of September, after which date they would cease to bear interest. Upon an examination of the act, we found a mistake had occurred, which apparently left to the commissioners the power of carrying out the direction of the state in the disbursement of the appropriation. We immediately applied to the Secretary of War,

asking his construction of the act. It will be seen, by reference to the correspondence which accompanies this report, that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the 1st January, 1854, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the seven and twelve per cent. bonds, and superseded the necessity of advertising for bids, as directed by the act of California.

Under the instruction of the Secretary of War, the commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal and interest, due thereon up to the first day of January, 1854. The full amount certified to by the commissioners is as follows: Of twelve per cent. bonds, principal, \$177,000 00; interest on do., \$55,683 97. Of seven per cent. bonds, principal, \$559,750 00; interest on do., \$48,214 68—amounting in all to \$840,648 65, a full statement of which accompanies this. The full amount paid by the United States Government up to the 15th day of November, 1856, is \$814,456 84, as appears per statement of the third auditor, which accompanies this, leaving unpaid of the bonds at that time certified \$26,191 81, of which \$15,220 20 had been presented to the Secretary of War, the balance, \$10,971 61, still being in the hands of the holders. This amount has, no doubt, been paid in full. The interest coupons belonging to all bonds presented to the commissioners were detached from the bonds and distributed as follows: Of seven per cent. bonds, coupons 1 and 2 up to January 1, 1854, were attached to the bonds and have been paid; coupons 3 and 4 up to January 1, 1856, have been returned to the holders, stamped as follows: "California War Bond Coupon;" coupon No. 5, from January 1, 1856, to January 1, 1857, similarly stamped, with the amount of interest due on the same up to September 1, 1856, also stamped upon it, has also been returned to the holder; coupons 6, 7, 8, 9 and 10, representing the interest from January 1, 1857, to the maturing of the bonds, are returned to the state; of twelve per cent. bonds, coupons 1, 2, 3, 4 and 5, representing the interest up to March 1, 1854, were attached to the bonds, but were paid only up to January 1, 1854, leaving on every bond a balance of twenty dollars interest from January 1 to March 1, 1854, due to the bond-holder, for which amount the Commissioners gave their certificate, a copy of which accompanies this; coupons 6, 7, 8, 9 and 10, representing the interest due up to September 1, 1856, have been returned to the owners, and the remaining coupons, numbers 11, 12, 13, 14, 15, 16, 17, 18 and 19, are returned to the State.

It will be seen that there are remaining unpaid of bonds issued prior to January 1, 1854, of principal, \$59,600; of interest to that date, about \$14,000; total, \$73,600. There is remaining of the appropriation, \$83,611—leaving a balance on hand, over and above the bonds and interest, up to January 1, 1854, of not less than \$10,000.

The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is \$161,120 91. The entire amount of coupons returned to the State, is \$317,727 10. The bonds redeemed have been canceled, and are now on file in the treasury department. The general government, by recognizing the bonds, and by the payment of interest up to January 1, 1854, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January 1, 1854, a statement of which will be found accompanying this.

We cannot conclude our report without expressing our high appreciation of the services of Mr. A. J. F. Phelan, the clerk of the commission. His thorough knowledge of all the details connected with the origin of the war debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by

Appropriation,	\$924,259 65
Redeemed,	840,648 65
Balance,	<u>\$83,611 00</u>

NUMBER OF BONDS ISSUED IN 1854, '55 AND '56.

One hundred and thirty-one of \$100,	\$13,100 00
Fifty-eight of \$250,	14,500 00
Twenty-one of 500,	10,500 00
	<u>\$38,100 00</u>
Probable interest,	4,000 00
	<u>\$42,100 00</u>
Interest for Bonds redeemed,	161,120 91
Interest for not redeemed Seven per cent Bonds,	6,631 48
Interest for not redeemed Twelve per cent. Bonds,	7,360 00
Total,	<u>\$217,212 39</u>

The foregoing bonds, amounting to \$38,100, issued since 1st January, 1854, were not included in the terms of the appropriation made by Congress.

COPY OF CERTIFICATE ISSUED BY COMMISSIONERS.

"We hereby certify that coupon No. 5, of bond No. —, issued by the state of California for expenses incurred in the suppression of Indian hostilities, [said bond bearing interest at the rate of twelve per cent. per annum] has been given up by —, the holder of the same, to the Secretary of War of the United States, and that there is unpaid on said coupon twenty dollars, being the interest on said bond from January 1st, 1854, to March, 1854.

Commissioners California War Debt.

WASHINGTON CITY, D. C., Sept. 1st., 1856.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE. }
November 17th, 1856.

SIR :—In conformity with your verbal request, I transmit the subjoined statement showing the amount of California War Loan Bonds—principal, with interest to January 1st, 1854—that have been paid, including those reported for payment, through this office, up to the 15th instant inclusive, under the acts of Congress approved August 5th, 1854, and August 18th, 1856; the amount due and payable on each bond being endorsed thereon by the California War Debt Commissioners, as required by the last named act, to wit :

	Principal.	Interest.
Twelve per cent. Bonds of \$1,000 each - -	\$175,000 00	\$55,061 97
Seven per cent. Bonds of \$1,000 each - -	314,000 00	30,965 71
Seven per cent. Bonds of \$500 each - -	178,500 00	12,041 23
	22,250 00	1,709 04
	23,300 00	1,628 89
Principal amount, - - - - -	\$713,050. 00	\$101,406 84
Interest, - - - - -	101,406 84	
Total, - - - - -	\$814,456 84	

In addition to the foregoing, bonds, also certified and endorsed by the commissioners, have been received at this office, but not yet reported for payment, amounting as follows, to wit:

	Principal.	Interest.
Twelve per cent. Bond, - - - - -	\$1,000 00	\$330 00
Seven per cent. Bonds of \$1,000 each, - -	7,000 00	698 61
Seven per cent. Bonds of \$500 each, - -	5,000 00	426 46
Seven per cent. Bonds of \$100 each, - -	700 00	65 13
Principal, - - - - -	\$13,700 00	\$1,520 20
Interest, - - - - -	1,520 20	
Total, - - - - -	\$15,220 20	

Very Respectfully,

Your Obedient Servant,

ROBT. J. ATKINSON,

Auditor.

To SAMUEL B. SMITH, Esq., Member of the Board of California War Debt Commissioners, Present.

[1]

To His Excellency,

J. NEELY JOHNSON,

Governor of the State of California:

SIR:—Since the last report of the Commissioners of the California War Debt, made January 1, 1857, I have to report, that I have examined and certified of the Seven Per Cent. Bonds, principal and interest, the sum of nineteen thousand seven hundred and ninety-four dollars and sixty-three cents, (\$19,794 63); and of the Twelve Per Cent. Bonds, principal and interest, the sum of fifteen thousand nine hundred and forty-two dollars, (\$15,942.)—making a total of thirty-four thousand seven hundred and thirty-six dollars and sixty-three cents, (\$35,736 63,)—and forwarded the same to Gen. James W. Denver, for his signature, and for payment at Washington City.

I have the honor to remain, etc.,

SAM. B. SMITH.

Commissioner Cal. War Debt.

Mr. Thom gave notice that he would, at an early day, introduce a joint resolution instructing our senators and requesting our representatives in Congress to use their influence to secure a more frequent transportation of the mails from San Francisco to San Diego, Los Angeles, Santa Barbara and San Luis Obispo.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have this day adopted a resolution appointing a joint committee relative to printing the Governor's message and accompanying documents in English and Spanish, and ask the concurrence of the Senate.

Messrs. Curtis and Pico are appointed House committee.

J. W. SCOBAY, Assembly Clerk.

Message read, resolution concurred in, and Messrs. Taliaferro, Griffith and Chase appointed committee on behalf of the Senate.

Mr. Rogers moved that the Senate proceed to the election of a chaplain.

On motion of Mr. Melony the whole subject matter was laid on the table.

Mr. Taliaferro made the following report, which was adopted :

TO THE SENATE :—The special joint committee of the Senate and Assembly concur in recommending the printing of five thousand copies in English and six hundred in Spanish of the Governor's message and appendix.

A. W. TALIAFERRO,

Chairman Senate Committee.

D. B. CURTIS,

Chairman Assembly Committee.

Mr. Melony offered the following :

Resolved, By the Senate, the Assembly concurring, that five hundred copies of the Governor's message be printed in the German language.

Mr. Taliaferro moved to strike out the word "German" and insert the words "five hundred in all foreign languages," which was lost.

The question being upon the adoption of the original resolution, was put and lost.

Mr. Rogers moved that the sergeant-at-arms be directed to ascertain from the committee appointed to wait on the Governor elect with reference to his inauguration, when they would be ready to report, which was adopted.

Mr. Lewis moved to reconsider the vote by which the motion of Mr. Rogers was adopted, which was lost.

On motion of Mr. Taliaferro, the secretary was directed to inform the Assembly that the Senate was now ready to meet them in joint convention for the ceremonies of inauguration.

The secretary having reported—

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly is now ready to meet the Senate in the Assembly chamber in joint convention, for the purpose of joining in the ceremonies of inauguration.

J. W. SCOBAY, Clerk.

On motion of Mr. Burton, the Senate then proceeded to the Assembly chamber.

IN JOINT CONVENTION.

The president in the chair.

Senate roll called.

Assembly roll called.

Mr. Pacheco, of the committee appointed to wait on the Governor elect, reported that the committee had conferred with him, and that he was then approaching the capitol.

On motion of Mr. Buel, the sergeant-at-arms of the Assembly cleared the passages, and the Governor and Lieut. Governor elect, with the committee, entered the Assembly chamber.

By direction of the president the officers elect and the members of the convention, with the officers of both houses, repaired to the platform in front of the capitol, where the oath of office was administered to the Governor and Lieutenant Governor elect, by Chief Justice Terry.

The Governor then pronounced his inaugural address, upon the conclusion of which the president declared the joint convention as adjourned *sine die*, and the Senate withdrew to its chamber.

INAUGURAL ADDRESS OF GOVERNOR WELLER.

FELLOW-CITIZENS:—For the first time in my life, I am about to enter upon the duties of a state office. Notwithstanding I have some experience in public affairs, that experience will be of little service to me in discharging the various and complicated duties imposed upon the chief magistrate of this state. That I can give satisfaction to all the generous friends who placed me in this position, I dare not hope. That I can reconcile conflicting interests, heal divisions which exist amongst the people, and steer the ship of state clear of all the shoals and rocks which discordant elements have thrown in her track, I can scarcely expect. It will, however, be my constant aim to administer the affairs of the executive office in such manner as to advance the interests of the state and secure the confidence and respect of honest men. Whilst I place a high estimate upon the good opinion of my fellow-citizens, and am always proud to have it, no one has less regard for what may be denominated *popular clamor*. I may injure myself, but the state shall not be shipwrecked during my administration, if I have the power to prevent it. It is far more important that I should be right than that I should be praised, and therefore I will do what I conceive to be my duty, at all times and under all circumstances, and leave the vindication of my character, if assailed, to my acts and to posterity.

Every lover of republican institutions, must deplore the disposition, so frequently manifested by a portion of the people in different sections of the country, to take the law into their own hands, and place the regularly organized tribunals at defiance. Ours is emphatically a government of law, and that law is the essence of popular will, as expressed through constitutional channels. In its execution the sovereignty of the people is manifested. It may be that the law sometimes fails to give adequate protection to persons and property, but the fault will generally be found with the people themselves. In many localities there is an unwillingness upon the part of respectable citizens actively engaged in business, to serve upon juries; and as a consequence, irresponsible men, with no visible means of support, are entrusted with the power of passing upon the guilt or innocence of persons charged with high crimes.

If, as is often the case, under these circumstances, a notorious offender is allowed to escape, the whole community is thrown into a high state of excitement, and summary punishment demanded. It is certainly a disagreeable duty to be taken from one's business, and compelled to spend a week or two in the criminal courts, but every good citizen ought to be willing to make the sacrifice when the public interest demands it. These burthens, however, should be as equally distributed as possible. Elevate the character of your jurors by selecting them in

trict conformity with the law, and by imposing severe fines and penalties upon citizens refusing to serve, and in my opinion, fewer villians will escape, and communities will be less disposed to disregard the forms of law and resort to violence.

Another cause of difficulty may be found in the manner in which our judicial and ministerial officers are elected. Political parties hold their primary meetings and present their respective tickets. Because of the indifference manifested by respectable men of all parties, these elections are too often controlled and governed by irresponsible men, whose patriotism is generally subservient to their pecuniary interests. Ballot-box stuffers, in the absence of honest voters, declare the result, and men without intelligence, capacity or integrity, are placed in responsible offices. All this might have been avoided if the people had attended to what was strictly their business. It is probable that the present system of selecting candidates will prevail amongst us for years to come, and in my opinion, the election laws should be extended to these "primary meetings." The ballot-box, in our system of government, is the medium through which the people speak, and he who attempts to stifle their voice, is an enemy to public liberty, and should be treated as such. He poisons the public fountain, and corrupts all the streams which flow from it. He places men in judicial and ministerial offices in whom the community have no confidence. The severest punishment should be inflicted upon those who strike this deadly blow at free institutions.

It is not strange that the people of California have sometimes been excited, even to madness, by the conduct of their public functionaries. The fact is undeniable that men have sought office in this state, not from a laudable ambition to be useful, in contributing to its greatness, nor from an anxiety to acquire reputation and confer honor upon their families or kindred, but from a sordid desire to make money. The contest has not always been who should confer the greatest benefits upon the state, but who should make the most money out of his position. Their whole energies seem to have been directed to discover some short and easy road to fortune. The good old beaten track, which requires time, toil, labor and industry, has been abandoned. Itinerant politicians, having neither interest nor sympathy with us, and wholly indifferent as to the future character of the state, have sometimes controlled its legislation, and by their acts put money in their own pockets, at the expense of the public treasury. Wild schemes have been devised, and special acts passed, in violation of the rights and interests of the people. This may not be a very pleasant picture to look upon, but, in my judgment, it is a true one, and therefore I choose to present it. I trust, however, a brighter era is about to dawn upon our state.

As the chief executive officer, it is made my duty to see that the laws are faithfully executed; and it is scarcely necessary for me to say that the whole power of the state will be used, when required, to protect our regularly organized tribunals and maintain the supremacy of the laws. This must be done, at all hazards.

The unsettled condition of our land titles has not only seriously retarded the prosperity of the state, but engendered much ill feeling, which has sometimes terminated in bloodshed. The act of Congress of March 3d, 1851, was intended, as its title imports, "to facilitate the settlement of land titles;" but its practical effect has been to retard improvements, prevent settlements, and, in many cases, to impoverish claimants under Mexican grants. Many of those who held perfect titles, guarantied by the treaty with Mexico, have been ruined by litigation with the government in the federal courts. Some of them, after seven years war in our judicial tribunals, are fortunate, indeed, if they are able to retain a moiety of that estate which we plighted our faith should be fully secured to them. The policy of the Spanish or Mexican states has always been so entirely different from that which has prevailed in our government in regard to the disposition of its lands, that the agricultural interest here has suffered very much in consequence

thereof. The confirmation of these grants has placed an immense amount of the best farming land in the hands of a few persons, whilst true policy demands that we should have as many freeholds as possible. The American farmer always desires to be the owner of the soil which he cultivates.

In many cases grants were so loosely made, and the boundaries so indefinitely given, that honest persons, who supposed they were occupying public land, are now about to lose their improvements by the manner in which the surveys are made. When individuals have gone, in good faith, and made improvements upon what was supposed to be a part of the public domain, but which, by the decision of the courts, is found to be covered by Mexican grants, the settler is entitled upon every principle of justice, to full remuneration for his labor and improvements. The whole constitutional power of the Legislature should be exercised to protect him. These hardy and industrious pioneers, who have gone upon wild and uncultivated land, and by their labor and industry made the earth give forth its richest productions, and surrounded themselves with all the comforts of home, are entitled to our especial consideration. Their energy and their enterprise have already placed California amongst the first agricultural states of the Union.

The condition of our finances impose upon us the necessity of practicing the most rigid economy. Ever since the organization of our state government, the expenditures each year have far exceeded our receipts, and, as a consequence, we are now burdened with a public debt. A state, as well as an individual, must be ultimately bankrupted, if its expenses are allowed, for a series of years, to exceed its income. Our debt, amounting to some four millions of dollars, has been incurred to pay current expenses of the government.

All over \$300,000 of this amount, contracted since the adjournment of the first Legislature, was in direct violation of the constitution; and, although the proceeds of our bonds were shamefully squandered, yet a very large majority of our people, at the recent election, ordered that the debt shall be paid. They have determined that innocent holders of our bonds shall not suffer by the unconstitutional acts or dishonest conduct of our own agents. California has said, in unmistakable terms, that the disgrace of repudiation shall never rest upon her escutcheon. I rejoice that those who have placed me in the position which I now occupy, have so nobly vindicated the reputation of our state. A state which violates its plighted faith, and trifles with its honor, would soon become a reproach to republican institutions, and a by-word among civilized nations.

We must take care to steer clear of these difficulties in the future. Provision must be made for the prompt payment of the interest on our debt, and especial pains taken to confine the expenditures within our income. This we can do, and must do, or bankruptcy, at no very distant day, is inevitable. The people have heard enough from their public agents upon the subject of economy—they now demand that it shall be practiced. Much was done by the last Legislature, but more remains to be done. The expenses of conveying prisoners to the penitentiary, and supporting them whilst there, is an enormous tax upon the people. Whilst the convicts in many of the states are supporting themselves, we are taxed \$120,000 per annum to provide for them, and that, too, under a system which allows a large number to escape every year. If you add to this the amount paid for transportation of convicts (\$35,000) you will have a sum equal to the whole expenses of some of our sister states, with four times the population?

In the state of Indiana, the whole amount of the ordinary expenses of the government for the year ending in October, 1855, was \$147,442; and during the succeeding year was reduced to \$59,522, and this with a population of nearly one million and a half!

In the three state prisons of New York, with nearly two thousand convicts, in the year 1855, the expenditures over the earnings were but \$35,000.

In California, the expenditures for state prison purposes, and for printing,

one, in the year ending 30th June, 1856, amounted to more than half a million dollars.

These are certainly crying evils, which demand prompt action on the part of the Legislature.

The thirteenth section, eleventh article of the constitution, declares that "taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value, to be ascertained as directed by law."

It may well be doubted whether our present revenue system is in accordance with either the letter or the spirit of this clause in the constitution. It declares that all property shall be taxed; and yet it is notorious that many persons hold property which annually yields—and in all probability will continue to yield for series of years—a handsome income, on which no taxes whatever are levied. An imposing taxes necessary for the support of the government, the great principle of equity and justice should be observed, and each interest made to contribute its proper share. Those who receive from the government protection in their persons and property, ought to pay their just proportion of the taxes. Nothing short of an equal distribution of the burthens of government can or ought to give satisfaction to the people.

The second section, ninth article of the constitution, declares :

"The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements. The proceeds of all lands that may be granted by the United States to this state for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the state."

The embarrassed situation of our finances and the unsettled position of land titles and public surveys have no doubt prevented the Legislature hitherto from carrying out the patriotic design of the framers of that instrument. By its terms, certain lands donated by the federal government to the state are to be appropriated for school purposes, and if this fund is properly administered, the time is not distant when every child in the state can receive the rudiments of a good education at the public expense. The ignorant are often vicious, and it is scarcely necessary for me to say that there can be no stability in a government like ours, based upon public opinion, unless the great body of the people are educated. It would be folly to attempt to sustain a republican government amongst an ignorant and depraved people. If we expect our children to transmit our institutions to their descendants, we must take care to provide ample means for their education. We must teach them that without education, without morality, without religion, they must soon become the slaves of despotism. We must enlighten their minds and impress upon them the inestimable value of a free government. And in this connection you will allow me to say, that if we desire to lessen the expenses of our criminal courts and prisons and elevate the moral tone of society, we must put the schoolmaster on his mission of labor and usefulness into every section of the state. A well educated people never can be enslaved. Violence and commotion are the natural fruits of ignorance. Man is only capable of self-government after his head and heart have been cultivated.

How many of those who are now mere sojourners in our state, would bring their children amongst us, if suitable means were provided for their education, and become permanent citizens and useful and honorable members of society. A

few friends of education have taken the lead, and much has already been accomplished in establishing a system of schools, and the beneficial effect is being seen and felt in almost every part of the state. In our cities and towns, seminaries and schools have been established, which would reflect the highest honor upon any people. In fact, we can proudly claim to have accomplished more for education in six years than some of our sister states have accomplished in a quarter of a century. I trust that the fund which has been provided may never be diverted from its constitutional channel, and that wisdom may direct all our actions in the administration of it.

The appropriations made at the recent session of Congress will, if properly expended, go far towards giving us good wagon roads across the Rocky mountains, by means of which we might anticipate a large immigration this year, if it were not for the difficulties in which the federal government has become involved with the Mormons and Indians. The establishment, too, of an overland mail route, will be of incalculable benefit to us.

The financial hurricane which has recently swept over the older states, with such fearful violence, would drive thousands of strong, active and energetic men to our shores, if they could reach us by an overland route, or by sea, at a reasonable expense. The multitude of hard-working men in the eastern cities, who have been recently thrown out of employment, and who are now crying in the agony of their souls for "bread," could find ample and profitable employment in our inexhaustible mines, or comfortable homes in our health-giving and ever verdant valleys. The victims of a villainous paper-money system could here find, in our mountains, banks which never issue an irredeemable currency, and seldom, if ever, fail to remunerate the industrious laborer. But the Mormons and Indians on the one hand, and a heartless monopoly, having no sympathy with our people, on the other, may diminish this immigration, so essential in developing the resources of the state.

Our people are certainly entitled to protection whilst traveling through American territory, and to secure this, the whole power of the federal government should be invoked.

Whenever a government habitually fails to give protection to its people, it must cease to command their confidence or respect. Hundreds of emigrants during the past year, who had abandoned their homes, and whilst wending their way over American soil to our shores, were inhumanly butchered. That government, which claims to extend its protection over its people, (whether native, naturalized or unnaturalized,) in every part of the world, and is ready to resort to arms in order to secure it, will, we hope, see that such bloody scenes are not re-enacted upon our great highways and in our own territory.

In my humble opinion, the establishment of a multitude of small military posts between our frontier and the Atlantic states, will never answer the purpose. They are so weak as to provoke assaults from the Indians, and not strong enough to pursue and chastise them. The marching of a full regiment, properly appointed, to and from the Pacific coast, through our own territory every year, would strike more terror amongst the Indians, inspire more confidence amongst the settlers and immigrants, and make the highways more secure than all the small military posts which could be established upon these routes.

Besides, troops sent from the Atlantic for this coast, instead of being encumbered, as is the case now, by a voyage of six thousand miles, over rough seas and through an inhospitable climate, would be found efficient soldiers, and ready for active service, at once, in the field, should the exigency demand it. The march and the camp duty would transform raw recruits into a disciplined corps.

I make these remarks with great diffidence, because I know but little of mili-

tary affairs, and have no personal knowledge of the different overland routes which pass through the Indian settlements.

But after all, the federal government will never be able to give Americans residing on the Pacific coast, that protection to which they are justly entitled, until a railroad connection is given to us with our brethren on the other side of the continent; and I am glad to see that our excellent President, whose ability and patriotism are acknowledged by the whole country, has recommended this subject to the especial consideration of Congress. A war with any respectable maritime power would cut us off effectually from our sister states, and leave our trade, our commerce, our material wealth, if not our lives, at the mercy of the public enemy. The surveys which have been made during the past four years, have fully demonstrated its practicability; and its necessity for military and political purposes, is no longer questioned.

It is quite probable that the events of the present year will show that economy would have been consulted by commencing a pioneer, or preliminary railroad, for the transportation of troops, munitions of war, etc., through our own territories long since. This would be followed, as soon as the commerce of the country demanded it, by a first-class railroad, over which the traffic between Europe and Asia and America could pass, and thus give California the place to which her natural position entitles her.

Civilization, the arts, and sciences, have for ages been making their way from the East to the West. In the meanwhile, the East has sunk into semi-barbarism, and, in the providence of God, the West is destined to send civilization and Christianity, with all their countless blessings, back to the East. California, situated on the extreme verge of the western hemisphere, through her trade and her commercial enterprise, will contribute largely towards re-establishing in the East that religion which was originally taught in Jerusalem, but which has, for centuries past, found its chief power and most salutary influence in this hemisphere. What a glorious destiny awaits us if we are only true to ourselves, and properly use the means at our command.

Although geographically separated from our sister states by uninhabited mountains and boisterous seas, we feel none the less interest in maintaining that Union which has made the name of an American honored and respected in every portion of the civilized world, and secured to us at home a degree of freedom and prosperity unparalleled in the history of man. Under that constitution which spoke the federal government into existence, we have built up a mighty empire which now attracts the wonder and admiration of the world. It is the bounden duty of every American to brighten, and strengthen, and extend that Union, and transmit it unimpaired to posterity. Different laws and different customs prevail in the respective states, and the only way to secure the peace and tranquillity of the republic, is for each to abstain from intermeddling with the affairs of its neighbor. That fraternal feeling which ought to exist among members of the same family requires more than this. We should avoid, as far as possible, the discussion and agitation of questions calculated to impair the constitutional rights of others. An honest man will not agitate a question, when the effect of that agitation is to infringe upon the rights and lessen the value of his neighbor's property, but leave him to the free and undisturbed enjoyment of it. The people of California, with great unanimity, decided that slavery should not exist in this state. No one denies our right so to decide, nor do any of our sister states attempt to interfere with this question. Other communities, in the exercise of their sovereignty, have seen proper to tolerate slavery. They have a right to enjoy their institutions without being disturbed by us. It is true, the freedom of speech and of the press are guaranteed by the constitution to the people, but is there not a moral as well as a political obligation resting upon us to exercise these privileges in such a manner as not to invade or trespass upon the rights of other states? The agitation of the

slavery question in the Northern states, while it has in no degree benefited the African race, has engendered a feeling which is now threatening the permanency of the government. These states can never be kept together by force. The tie of affection can alone hold us. Destroy this, and it requires no prophet to foresee that disunion is inevitable. We must live together as friends and as equals in all respects, or we cannot live together at all. We cannot live as friends unless we cease slandering and abusing each other. We cannot be equals unless territory acquired by our common blood and common treasure is left free to emigrants from the respective states, with their different species of property. When a state government is organized, then slavery may be sanctioned or prohibited, as the people may direct. If they have not intelligence enough to decide this question without the interference of Congress or any other power, republican institutions can no longer be sustained by Americans.

May He who controls the destinies of nations preserve and protect our national ship from the impending storm which threatens its destruction.

SENATORS AND GENTLEMEN OF THE ASSEMBLY:—Having, in accordance with the established usage, expressed my opinions briefly upon several questions of public interest, let us now proceed to the discharge of our respective duties, and with a fixed determination to consume no more time than is indispensable to the transaction of the public business.

The constitution confers upon the Executive the veto power. I shall regret very much to differ with the Legislature in any case; but if an act should unfortunately be passed which I may regard in conflict with the constitution, or in derogation of the rights and interests of our common constituency, I could not hesitate to exercise this power. The practice of leaving the most important bills to the last days of the session is, in my opinion, a very bad one, and should be abandoned.

Ample time should be given to the Executive to examine every bill passed by the Legislature, for it cannot be expected that I will attach my signature to any until I understand its contents.

In conclusion, gentlemen, let me say, I will cordially co-operate with you in all measures calculated to advance the interests of the state and promote the prosperity of the people.

JOHN B. WELLER.

IN SENATE.

The president in the chair.

Roll called.

Mr. Rogers moved that a committee of two be appointed to wait on the Lieut. Governor and conduct him to the chair.

Adopted.

The president appointed as such committee Messrs. Rogers and Griffith.

The president having retired, Lieut. Governor Walkup took the chair and addressed the Senate as follows:

SENATORS:—In entering upon the discharge of my duties as president of the Senate, a few brief remarks may not be considered out of place. The constitution of the state makes me, by virtue of my office—that of Lieutenant Governor—your presiding officer, and you it invests with the full and exclusive power of enacting and interpreting the rules by which you will be governed. This power you have already exercised, and from the experience which many of you possess, and your knowledge of parliamentary tactics, I doubt not that the rules you have adopted will greatly aid us in expediting the business for which we have convened.

I shall regard it my duty, while occupying this chair, to carefully study, strictly construe, and firmly enforce all the mandatory rules of the Senate. Those rules which merely confer discretionary power I shall faithfully and impartially execute according to my best judgment, and for what I conceive to be the true interest of the Senate and people of the state.

I desire to ask in advance, from you, your assistance in all things pertaining to my duties, without which I feel that I shall make but an indifferent presiding officer. Whilst I occupy this chair it shall by my highest aim, my greatest ambition, to discharge my duties in such a manner as will be acceptable to you and profitable to the people of the state.

Mr. Ferguson offered the following, which was unanimously adopted :

Resolved, That the thanks of the Senate be, and they are hereby tendered to Lieut. Governor Anderson, for the able and impartial manner in which he has discharged the duties of president of the Senate during his recent term of office.

On motion of Mr. Taliaferro, the Senate adjourned until to-morrow, at 11 o'clock, A. M.

Approved January 9th, 1858.

JOS. WALKUP, President.

Attest: THOS. N. CAZNEAU, Secretary Senate.

STANDING RULES AND ORDERS.

The following are the rules and orders for the government of the Senate, as adopted in Committee of the Whole, and amendments concurred in by the Senate:

I.

The president shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the journal of the proceedings of the preceding day.

II.

After the reading and approving of the journal, the order of business shall be as follows :

1. Presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Second reading and commitment of bills.
7. Introduction and first reading of bills.
8. Motions, resolutions and notices.
9. Business on the general file, and third reading of bills.
10. Unfinished business of the preceding day.
11. Special orders of the day.
12. Reports from the committees on Enrollment and on engrossment shall at all times be in order.

III.

Messages from the Governor, state officers, and from the Assembly may be considered at any time.

IV.

All bills and resolutions after the second reading, if the same be not committed but if committed, then upon being reported, shall be placed upon a general file and shall be taken up for consideration and passage in the order of their being placed on file.

V.

All questions relating to the priority of business shall be decided without debate.

VI.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate without debate.

VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

VIII.

The president shall have the right to name any member to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the president; but such substitute shall not lose the right of voting on any question while so presiding.

IX.

Every senator, when he speaks, shall, standing in his place, address the president; and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

X.

When two or more members rise at once, the president shall name the member who is to speak first.

XI.

No motion shall be debated until the same be seconded, and distinctly announced by the president; and it shall be reduced to writing, if desired by the president or any member, and read by the secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on report of a committee, unless the Senate unanimously consent.

XIII.

Every bill shall receive three readings, previous to its being passed. The president shall give notice at each, whether it be the first, second, or third; which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise. *Provided*, that upon the first reading of a bill, if no objection be made, it may without delay be read a second time by title, and be committed or placed on the general file. No bill shall be amended or committed until twice read.

XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate, at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair. After such notice has been given, it shall not be in order for any other senator to move a reconsideration of such vote until the next day after the same was taken.

XV.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the president, or, in his absence, by the president *pro tem.*, or, in the absence of both, by the acting president.

XVI.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XVII.

When a member shall be called to order, he shall sit down, until the president shall have determined whether he is in order or not; and every question of order shall be decided by the president, subject to an appeal to the Senate, by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

XVIII.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the sergeant-at-arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent member respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund; and this rule

shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The president, or acting president of the Senate, or of less than a quorum thereof, shall have power to issue process, directed to the sergeant-at arms, or any other person, to compel the attendance of members absent without leave. Any senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the sergeant-at-arms, or other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the state.

XIX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

XX.

If a senator gives notice that he intends to move a reconsideration, the secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

XXI.

The following standing committees shall be appointed:

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of seven members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Public Buildings, to consist of seven members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.

21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp and Overflowed Lands, to consist of five members.

XXII.

When an amendment to the constitution, or any bill requiring the concurrence of two-thirds of the senators is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or, extending to the merits, being short of the final question.

XXIII.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require secrecy, the president shall require all persons, except the members, secretaries, sergeant-at-arms and doorkeeper of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep all such matters, proceedings, and things, whereof secrecy shall be enjoined, by order of the Senate.

XXIV.

The Committee on Engrossed Bills shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report.

XXV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz. :

1. The committee of the whole Senate.
2. A standing committee.
3. A select committee.

XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, is hereby adopted.

XXVII.

The time of the meeting of the Senate shall be 11 A. M., of each day, (Sundays excepted,) and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

XXVIII.

The rooms, passages, and buildings set apart for the use of the Senate, shall be under the control and direction of the president of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate. He

shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary pages and porters of the Senate. Places may be assigned to reporters by the president.

XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received, unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who is absent without the bar of the Senate without leave.

XXX.

Any rule may be suspended by a concurrence of two-thirds of the members present; and any additional rule or amendment of a rule, may be made by giving one day's notice, and the concurrence of two-thirds of the members present.

XXXI.

All bills on a second reading, shall be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

XXXII.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be—"Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present, but it shall at all times be in order before the final passage of any such bill or resolution, to move its commitment under special instructions, and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be put.

XXXIII.

The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted in the journals.

XXXIV.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper, presented to the Senate, shall also be inserted in the journal.

XXXV.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

XXXVI.

In case of a disturbance or disorderly conduct in the lobbies, the president (or chairman of the committee of the whole Senate) shall have power to order the same to be cleared.

XXXVII.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XXXVIII.

On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXXIX.

A president *pro tempore* shall be elected, who shall, in the absence of the president, take the chair and call the Senate to order, at the hour of the meetings of the Senate, and have the same power as the president.

XL.

When the Senate is equally divided, the secretary shall take the decision of the president. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the president. The actual expenses of the sergeant-at-arms for every arrest for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, to draw the money on such checks for the members, (the same being previously signed by the president, and endorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

XLI.

No bill or other matter shall be printed without first being specially ordered by the Senate, and the sergeant-at-arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made or bills audited; and maps accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

XLII.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XLIII.

In filling up blanks, the least sum or number and the shortest time shall be first put.

XLIV.

It shall be the duty of the door-keeper to prohibit all persons, except senators, members of the Assembly, officers of the two Houses, and such reporters as have had seats assigned them by the president, from coming within the bar of the Senate, unless invited by the Senate through the president, and to arrest for contempt all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

JOINT RULES AND ORDERS OF SENATE AND ASSEMBLY.

The following are the joint rules and orders for the government of the Senate and Assembly, adopted by both Houses :

I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet in their conference chamber and state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the door-keeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

III.

Messages shall be sent by the secretary, clerk, or by such persons as a sense of propriety of each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper and under the signature of the secretary or clerk of each House respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the Assembly or the secretary of the Senate, as the bill may have origin-

ated in the one or the other House, before it shall be presented to the Governor of the state.

VI.

When bills are enrolled they shall be examined jointly by the enrolling committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report, forthwith to their respective Houses.

VII.

After examination and report, each bill shall be signed in the respective Houses, first by the speaker of the Assembly, then by the president of the Senate.

VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the state, for his approval, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the secretary or clerk, as the case may be, of the House in which the same originated,) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journals of each House.

IX.

All orders, resolutions and votes which are to be presented to the Governor of the state for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the president of the senate, in the presence of the speaker and both Houses.

XI.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

XIV.

After each house shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

XVIII.

There shall be a joint standing committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

IN SENATE.

SENATE CHAMBER, January 9, 1858.

Senate met pursuant to adjournment.

The president in the chair.

Roll called.

Absent—Messrs. Ferguson of Sierra, Mesick and Taliaferro.

Journals of yesterday read and approved.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }
January 9, 1858. }

To the Honorable the Senate of California:

I hereby nominate and appoint Ferris Forman, Secretary of State, and ask the concurrence of the Senate therein.

JOHN B. WELLER,
Governor of California.

On motion of Mr. Merritt, the Senate went into executive session, to consider the Governor's message, relative to the appointment of Secretary of State.

On motion of Mr. Burch, the appointment was confirmed by the following vote:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpen-

Mr Berry gave notice that, at an early day, he would introduce a bill for "an act to amend an act to fund the debt of the county of Siskiyou, approved April 29, 1857."

Mr. Burton moved that the standing rules of the Senate and Assembly be printed with the rules and orders heretofore ordered printed.

Adopted.

The following report was received from James L. English, late State Treasurer, which was referred to the Committee on Public Expenditures :

SACRAMENTO, January 11, 1858.

To the Honorable, the Senate of the State of California :

I have the honor to transmit you herewith a statement of the manner in which the contingent fund of the State Treasurer was expended by me during my continuance in office.

Your obedient servant,

JAMES L. ENGLISH.

Statement of Expenditures from the Contingent Fund of State Treasurer from February 20, 1857, to June 30, 1857.

Dated 1857.	To whom and for what purpose.	Amount.
Feb. 26,	Carswell & Hossack, 1 record book,	\$3 50
Feb. 25,	Richard Brown, porter, 8 days, at \$50 per month,	14 28
Feb. 26,	Charles Binney,	
	1 super royal record,	40 00
	1 super royal record ledger,	40 00
	1 cash book,	25 00
	1 index book,	4 00
	1 marking seal,	7 00
	1 box legal envelopes,	1 00
	2 packages envelopes,	2 00
	½ dozen pen-holders,	1 00
	1 gross pens,	2 00
	½ ream paper,	3 00
	1 office knife,	1 50
May 1,	Richard Brown, porter, 2 months at \$50 per month,	100 00
June 9,	Richard Brown, porter, 1 month at \$50 per month,	50 00
June 29,	Wells, Fargo & Co.'s envelopes,	2 25
June 29,	James Anthony & Co., copy of laws of 1857,	1 50
June 29,	Carrier Sacramento Union, March 1 to June 30,	8 00
June 29,	Carrier Daily Globe, March 1 to June 4,	3 00
June 29,	Jas. Quinn, copy of California Register,	3 50
June 29,	Carrier Daily Bee, March 15 to June 30,	4 00
March 29,	John S. Barrett, State Journal, February 20 to June 30,	9 25
March 29,	John S. Barrett, San Francisco Herald, Feb. 20 to May 31,	7 25
March 29,	W. F. Knox, fixing desk,	2 50
March 29,	Washing towels, oil, matches, etc.,	6 50
March 29,	C. Binney, stationery,	12 75
June 29,	F. Forman, rent P. O. box,	6 00
June 29,	J. L. English, part expense to San Francisco on business of department,	18 50
July 15,	Richard Brown, porter, June,	50 00
July 15,	S. Lion, extra clerk, 16 days at \$200 per month,	114 00
July 27,	W. C. Wood, extra clerk, in May,	66 66
July 27,	Charles Binney, 1 register of warrants,	60 00
	1 bottle of ink,	1 00

Dated 1857.	To whom and for what purpose.	Amount.
	1 dozen blotting boards,	1 50
	Pencils and India rubber,	75
	1 journal,	1 00
	Making, etc., of full bound register,	70 00
	2 gross extra pens,	5 00
Total,		8749 44

Expenditures from Contingent Fund from July 1, 1857 to January 6, 1858.

Aug. 4,	Richard Brown, porter, July,	\$50 00
Aug. 31,	James L. English,	
	Amount paid for paint, oils, matches, etc.,	1 50
	Expenses to San Francisco for department,	27 50
	D. O. Mills & Co., expressing gold dust to mint,	4 75
Sep. 7,	Wells, Fargo & Co.'s envelopes,	2 50
Sep. 7,	J. L. English, expenses to San Francisco,	26 00
Sep. 12,	Lewis Teale, porter, 8 days, at \$50 per month,	12 90
Oct. 6,	Richard Brown, porter, Aug. 31 to Sep. 30,	51 60
Oct. 26,	Wells, Fargo & Co., expressing,	50
Oct. 26,	P. O. envelopes,	80
Oct. 26,	J. L. English, expenses to San Francisco for State,	30 50
Oct. 26,	J. L. English, expenses to San Francisco for State,	29 75
Oct. 26,	C. Binney, mucilage and red ink,	2 75
Oct. 26,	Cost of suit in District Court, Vaughn <i>et al.</i> v. English,	11 60
Oct. 26,	Cost of suit in Supreme Court,	38 00
Oct. 26,	Wells, Fargo & Co., expressing,	50
Nov. 2,	Richard Brown, porter, in October,	60 00
Nov. 6,	John O'Meara, printing, etc., register,	100 00
Nov. 30,	Richard Brown, porter, in November,	50 00
Dec. 11,	Wells, Fargo & Co., expressing,	2 00
Dec. 11,	H. Van Avery, zinc, pipe, and fixing stove,	5 25
Dec. 11,	W. F. Brown, putting up shelves,	9 00
Dec. 11,	Paid for postage,	50
Dec. 23,	R. P. Lee, clerk, 9 days, at \$200 per month,	60 00
Dec. 31,	Richard Brown, porter, in December,	50 00
Dec. 31,	Candles, matches, washing, and oil,	1 40
Dec. 31,	Wells, Fargo & Co., expressing at different times,	3 00
Dec. 31,	Wells, Fargo & Co.'s envelopes,	2 50
Dec. 31,	H. Shipley & Co., State Journal, July 1 to Dec. 1,	13 00
Dec. 31,	Thomas Gardiner, Union,	12 00
Dec. 31,	D. Hesse, 2½ dozen coin bags,	7 00
Dec. 31,	Carswell & Hossack, ink,	1 25
Dec. 31,	Sacramento P. O. box rent,	3 00
1858,	Sacramento P. O. envelopes and postage,	2 45
Jan. 6,	J. D. Lord & Co, tin work,	10 00
Jan. 6,	Toby, Church & Co., Daily Bee, July 1 to Dec. 31,	6 50
Jan. 6,	Thomas Gardiner, Union, June 1 to June 6,	50
Total,		8677 50

STATE OF CALIFORNIA, }
County of Sacramento. }

This affiant, James L. English, being duly sworn, on his oath says, that the

dix, by striking out five thousand and inserting two thousand and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

Mr. Merritt moved that the Senate concur in the Assembly amendment, which was lost.

So the Senate refused to concur.

Mr. Rogers offered the following resolution, which was adopted :

Resolved, That the Committee on Mileage be requested to report, on to-morrow, the amount of mileage due each senator and the Lieutenant Governor.

Mr. Melony moved to amend, by striking out "to-morrow," and inserting "Wednesday," which being accepted, the question was taken on the resolution as amended, and adopted.

Mr. Phelps asked leave of absence for Mr. Soule for one day, which was granted.

On motion of Mr. Johnson of El Dorado, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, January 12, 1858.

Senate met pursuant to adjournment.

Roll called.

Absent, Messrs. Baker, Ferguson of Sierra, Melony and Soule.

Journals of yesterday read and approved.

The president announced as the Joint Committee on Printing, on the part of the Senate, Messrs. Gregory, Grant and Carpenter.

Mr. Johnson of El Dorado, presented petitions from citizens of Placerville, and from citizens of Indian Diggings, praying for the enactment of a Sunday law,

Which was read, and referred to the Committee on Public Morals.

Mr. Ketchum presented a petition from citizens of Drytown, Amador county, praying for the enactment of a Sunday law,

Which was read, and referred to the Committee on Public Morals.

Mr. Thom presented a petition from citizens of Los Angeles and San Bernardino counties, praying for a change of the boundary lines between those two counties, so that the ranchos of Sierra de Tomas, Yorba de Bernardo, Yorba, Jurupa, Rincon, Chino, Cucamonga and Temascal, now forming part of San Bernardino county, be annexed to and form part of Los Angeles county.

Referred to the Committee on Counties and County Boundaries.

The following message was received from the Governor :

STATE OF CALIFORNIA, }
Executive Department, January 11, 1858. }

To the Senate of California :

I have this day approved an act entitled "an act to appropriate money for postage and express purposes during the present session of the Legislature."

Respectfully,

JOHN B. WELLER.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE, }
January 12, 1858. }

To the Hon. President of the Senate:

In compliance with an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state, I herewith transmit you a copy of the returns for the same now on file in my office.

Very respectfully,

FERRIS FORMAN,
Secretary of State.

An abstract of the vote polled at the general election, held on the second day of September, one thousand eight hundred and fifty-seven, to conform to an act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State, approved March 31, 1857.

COUNTIES.	FOR A CONVENTION.	AGAINST A CONVENTION.
Alameda county,	558	735
Amador county,	1223	525
Butte county,	657	2318
Calaveras county,	41	8
Contra Costa county,	369	456
Colusa county,	224	61
Del Norte county,	6	....
El Dorado county,	1175	1563
Fresno county, . . . . .	.....	.....
Humboldt county,	427	.....
Klamath county,	37	.....
Los Angeles county,	315	64
Marin county, . . . . .	.....	.....
Mariposa county,	1435	208
Merced county,	47	41
Monterey county,	339	176
Napa county,	662	204
Nevada county,	3327	740
Placer county,	2535	737
Plumas county,	39	1
Sacramento county,	1374	1720
San Bernardino county,	62	50
San Diego county,	26	1
San Francisco county,	4935	930
San Joaquin county,	621	352
San Luis Obispo county,	114	18
San Mateo county,	186	215
Santa Barbara county,	6	12
Santa Clara county,	322	1033
Santa Cruz county,	357	199
Shasta county,	1839	178
Sierra county,	132	85
Carried forward,	22,390	12,630

COUNTIES.	FOR A CONVENTION.	AGAINST A CONVENTION.
Brought forward,	22,390	12,630
Siskiyou county,	353	330
Solano county,	459	360
Sonoma and Mendocino counties,	835	249
Stanislaus county,	241	19
Sutter county,	96	195
Tehama county,	691	24
Trinity county,	521	275
Tuolumne county,	2567	1446
Tulare and Buena Vista counties,	99	..
Yolo county,	415	89
Yuba county,	559	2063
Total number of votes for and against a convention, .	30,226	17,680

I, Ferris Forman, Secretary of State, do hereby certify that the foregoing statement is a true copy of the returns, as are now on file in my office.

Witness my hand and the great seal of the state of California, in office, at Sacramento, the twelfth day of January, A. D. 1858.

FERRIS FORMAN,
Secretary of State.

Mr. Burch moved to take from the table concurrent resolution No. 6, relative to a joint committee from each House to take into consideration and report upon so much of the Governor's annual message as relates to a constitutional convention,

Which was carried, and the resolution read and adopted.

Mr. Burch then moved that the resolution and the communication of the Secretary of State be referred to this joint committee,

Which was carried, and the president appointed as committee, on the part of the Senate, Messrs. Baker, Burch, Merritt, Burton and Bell.

Mr. Anderson introduced a bill for an act to amend an act entitled an act to amend an act to fix the terms for holding the terms of the district courts throughout this state, passed May 18th, 1853,

Which was read first and second times.

Mr. Mesick offered the following amendment, which was adopted :

Section 10. In the tenth district, in the county of Yuba, on the third Mondays of January, April, August and November ; and in the county of Sutter, on the first Monday of March, June and October, and on the third Monday of December.

On motion, the rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Ferguson of Sacramento introduced the following bill :

An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29th, 1851.

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Bell, the usual number of copies of the bill were ordered printed.

Mr. Anderson introduced the following bill:

An act to separate the office of county recorder and county auditor, clerk of the board of supervisors and clerk of the board of equalization, from the office of county clerk, in the county of Placer,

Which was read first and second times, and referred to the Placer delegation.

Mr. Berry introduced the following bill:

An act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2d, 1857,

Which was read first and second times, and, on motion of Mr. Bell, referred to the Committee on Counties and County Boundaries.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, amended Senate resolution, appointing a joint committee to inquire into the matters connected with the defalcation of the late State Treasurer, Henry Bates, in which they ask the concurrence of the Senate; and have appointed Messrs. Holladay, Havens and Ely as committee, on part of the House.

JANUARY 12, 1858.

J. W. SCOBEE, Assembly Clerk.

On motion, the Senate concurred in Assembly amendments.

Mr. Holden introduced a bill entitled an act to provide for the location and sale of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning,

Which was read first and second times, and referred to the Committee on Public Lands.

On motion, two hundred and forty copies were ordered printed.

Mr. Merritt introduced the following resolution, which was adopted:

Resolved, That the Comptroller of State be, and he is hereby, directed to draw his warrant on the State Treasurer, in favor of Michael Brannigan, for the sum of forty dollars, payable out of the contingent fund of the Senate, for the use of two carriages, on the 8th inst., (when Governor Weller was inaugurated.)

Mr. Griffith, chairman of the Committee on Printing, reported back the resolution relative to the printing of the Governor's inaugural, and recommended its reference to the Joint Committee on Printing.

Report adopted, and resolution so referred.

Mr. Grant gave notice that, on to-morrow, he would introduce a bill for an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds.

Mr. Phelps gave notice that he would, on to-morrow, introduce a bill for an act concerning divorces.

Mr. Johnson of Sacramento gave notice that he would, on to-morrow, introduce a bill authorizing the payment for services to M. F. Butler, for plans and specifications for prison buildings for this state.

Mr. Pacheco gave notice that he would, at an early day, introduce a bill to authorize David P. Mallagh to collect tolls on a road in the county of San Luis Obispo.

Mr. Chase offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee be authorized to hire a clerk, at a rate of compensation not exceeding eight dollars a day.

On motion of Mr. Rogers, leave of absence for the day was granted to Mr. Sullivan.

Mr. Thom offered the following concurrent resolutions, which were adopted :

Resolved, By the Senate, the Assembly concurring, that our senators in Congress be instructed, and our representatives be requested, to use their best exertions to procure the early establishment of a weekly mail, by steamers, from San Francisco to San Luis Obispo, Santa Barbara, Los Angeles and San Diego.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our senators and representatives, at as early a day as possible.

Mr. Taliaferro offered the following resolution, which was adopted :

Resolved, That all that portion of the Governor's message which relates to the state prison, be referred to the Committee on the State Prison.

Mr. Soule, chairman of the Committee on Mileage, reported upon the same, and by leave withdrew the report for correction, and submitted the following, which was adopted :

The Committee on Mileage report the following as the number of miles by the nearest route, from the residence of each senator to the place where the session of the Legislature is held, and returning therefrom, and the amount each senator is entitled to receive :

NAMES.	MILES.	PAY.
Anderson,	70	\$14 00
Allen,	150	30 00
Baker,	130	26 00
Berry,	810	162 00
Burch,	636	127 00
Burton,	140	28 00
Bell,	240	48 00
Carpenter,	140	28 00
Chase,	140	28 00
Coulter,	260	52 00
Dickinson,	134	26 80
Ferguson of Sierra,	280	56 00
Garter,	450	90 00
Goodwin,	90	18 00
Grant,	220	44 00
Gregory,	480	96 00
Hamm,	100	20 00
Hart,	146	29 20
Holden,	170	34 00
Johnson of El Dorado,	110	22 00
Ketchum,	92	18 40
Lewis,	200	40 00
Merritt,	320	64 00
Melony,	160	32 00

NAMES.	MILES.	PAY.
Mesick,	90	18 00
Pacheco,	1030	206 00
Phelps,	240	48 00
Rogers,	250	50 00
Soule,	220	44 00
Sullivan,	220	44 00
Taliaferro,	364	72 80
Thom,	1392	278 40
Walkup,	95	19 00

Anderson, President Senate, draws pay under old law.

Respectfully submitted,

S. SOULE, Chairman.

Mr. Goodwin in the chair.

By leave, Mr. Johnson of Sacramento presented a bill for an act making appropriation to pay M. F. Butler for services in preparing plans and specifications for prison buildings about to be erected at the state prison at San Quentin, which was read first and second times, and on motion of Mr. Taliaferro, referred to the Committee on State Prison.

Mr. Thom gave notice that at an early day he will introduce a bill for the printing of — copies of Wood's Digest in the Spanish language.

On motion of Mr. Grant, so much of the Governor's message as relates to Wood's Digest, was referred to the Committee on Printing.

The following message was received from the Assembly, which was taken up and considered:

MR. PRESIDENT:—The Assembly on yesterday refused to recede from their amendment to report of the joint select committee on printing the Governor's message, and have appointed Messrs. Hill of Nevada, Ballou and Anderson, a committee of conference on the disagreeing vote of the two Houses, and ask the appointment of a similar committee on the part of the Senate.

J. W. SCOBEE, Assembly Clerk.

January 12th, 1858.

On motion of Mr. Bell, the appointment of a committee of conference was concurred in, and the chair appointed on the the part of the Senate, Messrs. Bell, Griffith and Chase.

On motion of Mr. Rogers, there being no further business, the Senate adjourned.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, January 13, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Taliaferro presented petitions for supplies furnished the State Prison, which were referred to the Committee on Claims.

Mr. Lewis, chairman Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 7, "An act to amend an act entitled an act to amend an act to fix the time for holding the terms of the District Courts throughout this State, passed May 1st, 1853," and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Mr. Soule made the following report, which was adopted:

MR. PRESIDENT:—The Committee on Mileage make an amended report, allowing ex-Governor Anderson 110 miles travel at forty cents per mile, amounting to forty-four dollars; and forty miles additional travel to Mr. Phelps, amounting to eight dollars.

SAM'L SOULE, Chairman.

The president announced the reception of the fifth annual report of the trustees of the state insane asylum, and the secretary proceeded to read, when, on motion of Mr. Phelps, the further reading of the same was dispensed with, and the whole subject matter referred to the Joint Committee on Printing.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate resolution appointing joint committee relative to that portion of the Governor's message pertaining to a constitutional convention, and have appointed Messrs. Sherwin, Harris, Holladay, Groom, and Tuttle, on the part of the House.

J. W. SCOBEEY, Assembly Clerk.

Mr. Grant introduced a bill entitled "An act to authorize the treasurer of the city and county of San Francisco to execute certain deeds,"

Which was read first and second times, and referred to the San Francisco delegation.

Mr. Phelps introduced a bill entitled "An act concerning divorces,"

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch introduced a bill entitled, "An act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852,"

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Ketchum introduced a bill entitled "An act concerning the board of supervisors in the counties of Amador and Calaveras,"

Which was read first and second times, and referred to the delegation from Amador and Calaveras.

Mr. Taliaferro gave notice that he would, at an early day, introduce, a bill entitled "An act to amend an act to establish pilots and pilot regulations for the port of San Francisco, approved May 11, 1854."

Mr. Burch offered the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that from and after the passage of this resolution, the halls of the two houses and other rooms in the state house, shall be occupied and used for state purposes only.

Mr. Dickinson gave notice that he would, at an early day, introduce a bill to amend an act entitled "An act to reduce the salaries of officers and per diem of members of the Legislature, passed April 21, 1856."

Mr. Phelps gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill for "An act concerning roads and highways."

Mr. Grant gave notice that he would, on to-morrow, introduce a bill for "An act to amend an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29, 1851."

Mr. Ketchum offered the following concurrent resolution, which was read and referred to the Committee on Public Lands :

Resolved, By the Senate, the Assembly concurring, that our senators and representatives in Congress, be, and they are hereby, instructed to use their influence to secure the passage of a law by Congress so modifying the several laws donating the sixteenth and thirty-sixth sections of townships for school purposes, that these sections may be sold, and that the proceeds arising therefrom shall constitute a fund to be divided, pro rata, and equally among the several townships in the State of California, for school purposes.

Mr. Griffith gave notice that, on to-morrow, he would introduce a bill amendatory of, and supplementary to, "An act entitled an act to regulate proceedings in civil cases, approved April 29, 1851."

Mr. Melony offered the following resolution :

Resolved, That the secretary of the Senate be, and he is hereby, authorized to employ such assistance as he may deem necessary in his department, not to exceed the number of clerks employed last session.

Mr. Burton offered the following, as a substitute :

Resolved, That the secretary of the Senate be, and he is hereby, authorized to employ a clerk to assist him in the discharge of his duties, at the salary fixed by law.

Resolved, That all copying done by or under the control of the secretary, or in his department, shall be paid for, to the secretary, by the sergeant-at-arms, on orders drawn by the Auditing Committee, at a price not exceeding fifteen cents per folio—the secretary employing and paying his own copyists.

Resolved, That a committee of three be appointed by the president, to act as Auditing Committee.

Mr. Goodwin moved to strike out "fifteen cents," in the substitute, and insert "twelve." Pending which,

On motion of Mr. Burch, the resolution and substitute were referred to the Committee on Contingent Expenses, with instructions to report on to-morrow.

Mr. Chase gave notice that he would, at an early day, introduce a bill to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes.

Mr. Soule gave notice that, at an early day, he would introduce a bill to author-

ize the building of a bulkhead, or sea-wall, on the water front of the city of San Francisco.

Mr. Mesick gave notice that he would, on to-morrow, introduce a bill for an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20th, 1850.

Mr. Pacheco gave notice that he would, at an early day, introduce a bill for an act relative to the board of supervisors of the county of Santa Barbara.

On motion, the petitions from citizens of San Andreas and Mokelumne Hill, Calaveras county, praying for the enactment of a Sunday law, heretofore laid upon the table, were taken up, read, and referred to the Committee on Public Morals.

The following message, with the report of the committee of free conference, was received from the Assembly, and was taken up and considered:

MR. PRESIDENT:—The Assembly have this day adopted the report of the Committee of Conference, on the disagreeing vote of the two Houses, on printing the Governor's message, etc.

J. W. SCOBEEY, Assembly Clerk.

The Committee of Conference on the disagreeing vote between the two Houses, on the amendment of the Assembly to the Senate resolution authorizing the printing of the Governor's message, beg leave most respectfully to report, that the Assembly recede from their amendment, and the Senate recede from their vote; and that they further recommend the printing of four thousand copies of the Governor's message.

SAMUEL B. BELL,
S. H. CHASE,
HUMPHREY GRIFFITH,
Of the Senate.

WILLIAM HILL,
J. H. ANDERSON,
S. A. BALLOU,
Of the Assembly.

Mr. Bell, of the committee, reported in favor of the recommendations of the committee of conference; and, on motion,

The reports of committees were accepted and adopted.

Mr. Taliaferro moved to reconsider the vote by which the recommendations of the reports were adopted.

After much discussion relative to the printing of six hundred copies in Spanish, the chair ruled that the original resolution, providing for the printing of six hundred copies in Spanish, remained in full force, and Mr. Taliaferro withdrew his motion to reconsider.

Mr. Burton in the chair.

On motion of Mr. Lewis, there being no further business, the Senate adjourned.

Approved, January 14, 1858.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

THURSDAY, January 14, 1858.

Senate met pursuant to adjournment, president in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Baker made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred the resolution providing for the employment of clerks, and the substitute therefor, have had the same under consideration, and respectfully beg leave to report as follows : We find that during the eighth session of the Legislature the cost of copying for the Senate, employing clerks at a *per diem*, was \$0,934, and that the cost of doing about the same amount of work for the Assembly was \$3,932 80, paying for the same at the rate of twenty cents per folio, exclusive of the first sixteen days of the session ; that the system adopted by the Assembly might have been more perfectly executed, yet we are of opinion that not only economy will be consulted, but business may be expedited by this mode. We therefore, upon a review of the entire subject, recommend that the substitute be adopted, except that the second resolution be amended so as to read as follows :

Resolved, That all copying done by or under the control of the secretary, or in his department, shall be paid for to the employees by the sergeant-at-arms, on orders drawn by the Auditing Committee, at fifteen cents per folio, the secretary employing his own copyists.

J. H. BAKER, Chairman.

W. B. DICKINSON.

RONALDO PACHECO.

T. G. PHELPS.

W. T. FERGUSON.

Mr. Gregory made the following report :

MR. PRESIDENT :—The Joint Committee on Printing, to whom was referred the printing of the Governor's inaugural address, respectfully recommend that there be printed of the same four thousand copies in English and six hundred copies in Spanish.

D. S. GREGORY,

Chairman Senate Committee.

J. E. SHERIDAN,

Chairman Assembly Committee.

Report accepted and placed on file.

Mr. Anderson made the following report :

MR. PRESIDENT :—The delegation from Placer county, to whom was referred Senate bill No. 9, entitled an act to separate the offices of county recorder, county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk in the county of Placer, recommend the adoption of the accompanying amendments, and the passage of the bill when so amended.

JAMES ANDERSON.

P. H. BAKER.

Insert the following as section 9 :

"SECTION 9. The county treasurer of said county shall receive from said county recorder all payments made by virtue of the provisions of this act, and shall re-

IN SENATE.

FRIDAY, January 15, 1858.

Senate met pursuant to adjournment.

The president in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Merritt, chairman Committee on Federal Relations, made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred the communication from Thomas J. Henley, Esq., Superintendent of Indian Affairs in California, inviting the Senate and Assembly to visit, by committee, one or more of the Indian reservations in this state, beg leave to report : that they have had the matter under consideration and think the suggestion a good one, showing, as it does, a readiness and willingness on the part of the federal officers having in charge the important duties appertaining to Indian affairs in this state, to co-operate, as far as possible, with the state authorities in the amelioration of the condition of the Indians in this state.

We, therefore, report the communication back to the Senate, and recommend that a committee of such number, from both branches of the Legislature, as the Senate and Assembly may be pleased to indicate, be appointed to visit the Nome Lackee Reservation, and report upon the condition, treatment, etc., of the Indians, provided the same be done without cost to the state.

Respectfully submitted.

S. A. MERRITT,

Chairman Committee on Federal Relations.

Report accepted, and, with communication, placed on general file.

Mr. Soule made the following report :

MR. PRESIDENT :—The San Francisco and San Mateo delegation, to whom was referred Senate bill No. 4, entitled an act to authorize the board of supervisors, the auditor, and the treasurer of the city and county of San Francisco to allow and pay certain claims therein mentioned, have considered the same and recommend the passage of the same, with the following amendment :

Add at the end of the sixth line of the second section, after the word "them," the words "by authority of law."

S. SOULE,
GILBERT A. GRANT,
T. G. PHELPS,
E. L. SULLIVAN.

Report accepted, and, with bill, placed on general file.

Mr. Lewis made the following report :

MR. PRESIDENT :—The Amador and Calaveras delegation, to whom was referred Senate bill No. 16, an act concerning the board of supervisors of Amador and Calaveras counties, have had the same under consideration, and ask leave to return it to the Senate with a recommendation that it pass without amendment.

L. N. KETCHUM,
WM. T. LEWIS,
Delegation of Nineteenth District.

Report accepted, and, with bill, placed on general file.

The following communication was received from the ex-Secretary of State, which was referred to the Committee on Public Expenditures:

Copy of Accounts paid from the Appropriation for Lights and Fuel.

March	23	Firderer & Caduc, coal for committee rooms, - -	\$12 00
March	23	Sacramento Gas Co., gas to first March, - -	368 00
May	1	Wm. B. Hood, taking charge of stationery, - -	250 00
May	1	Charles Binney, stationery for Legislature, - -	1,032 38
May	1	Sacramento Gas Co., gas from first March, - -	782 25
May	2	Nevitt & Co., cleaning privy twice, - -	70 00
May	7	City water-works—water February, March, April, -	150 00
May	21	Cornelius Brown, cleaning Capitol, - -	30 00
May	21	C. Wood, helping to clean Capitol, - -	30 00
June	22	Claiborne, cleaning privy, - -	20 00
October	7	City water-works, water to Jan. 1, 1858, - -	120 00
October	31	Burton & McCarty, seven cords of wood, - -	49 00
Nov.	20	Whitewashing Capitol, inside, - -	315 00
Nov.	23	Nevitt & Co., painting roof of Capitol - -	126 37
Nov.	28	Isaac Hiatt, cleaning yard—four men, - -	157 00
Nov.	28	Thomas Jones, painting Capitol, - -	409 50
Decemb'r	10	Isaac Hiatt, work in Capitol, - -	447 50
Decemb'r	10	Nevill & Co., plumbing, - -	48 00
Decemb'r	19	Isaac Hiatt, work in Capitol, - -	155 00
Decemb'r	29	Wm. C. Wood, candles for Legislature, - -	576 90
Decemb'r	30	D. Kendall, stoves, etc., for Legislature, - -	179 25
Decemb'r	30	Firderer & Caduc, coal for Legislature, - -	150 00
Decemb'r	30	Thomas Jones, painting Capitol, - -	500 90
			<hr/> \$5,979 08

STATE OF CALIFORNIA, }
Sacramento County. }

I, David F. Douglass, do hereby certify, upon oath, that the above account of expenditures, from appropriations for lights, fuel, etc., is just and correct.

DAVID F. DOUGLASS.

Sworn and subscribed to before me, this fourteenth day of January, A. D. 1858.

WM. G. ENGLISH,

[SEAL.]

Notary Public.

Copy of Accounts paid from Contingent Fund of State Library.

March	23	E. E. Griggs, stationery, - - - -	\$7 75
March	23	T. L. Wallace, porter in February, - - - -	40 00
June	22	T. L. Wallace, porter in March, - - - -	40 00
June	22	T. L. Wallace, porter in April, - - - -	40 00
June	22	T. L. Wallace, porter in May, - - - -	40 00
July	2	T. L. Wallace, porter in June, - - - -	40 00
Carried forward, - - - -			<hr/> \$237 75

		Brought forward, - - - - -	\$237 75
July	13	Little & Hackett, carpentering, - - - - -	30 00
July	22	David F. Douglass, freight books, - - - - -	12 25
July	31	T. L. Wallace, porter in July, - - - - -	40 00
October	31	Cornelius Brown, porter for October, - - - - -	75 00
Decemb'r	10	Thomas Stokes, labor, helping move, etc. - - - - -	8 00
Decemb'r	31	C. Hawkins, labor, helping move, etc. - - - - -	40 00
Decemb'r	31	D. Kendall, stove, and putting up pipe, - - - - -	9 00
Decemb'r	31	Porter for December, - - - - -	20 00
Decemb'r	31	David F. Douglass, sundries, - - - - -	93 00
Decemb'r	31	Cornelius Brown, extra work, - - - - -	6 67
			<hr/> \$541 67

STATE OF CALIFORNIA, }
County of Sacramento, Jan. 14, 1858. }

I, David F. Douglass, do hereby certify, upon oath, that the above account of expenditures in the office of state library is just and correct.

DAVID F. DOUGLASS.

Sworn and subscribed to before me this fourteenth day of January, A. D. 1858.

WM. G. ENGLISH,

[SEAL.]

Notary Public.

Copy of Accounts paid from the Appropriation for Lights and Fuel since January 1, 1858.

January	4	G. A. Mendon, stationery, per contract, - - -	\$2,035 75
January	4	D. Kendall, fixtures for Capitol, - - - - -	109 75
January	4	Sacramento Gas Co., gas for Capitol, - - - - -	72 50
January	4	Rivett & Co., carpet for Capitol, - - - - -	1,450 00
January	4	Geo. O. Whitney, furniture for Capitol, - - - - -	102 00
January	7	Isaac Hiett, labor and materials for Capitol, - - -	2,333 12
January	9	J. Pershbacker, crockery and spittoons for Capitol, -	61 25
			<hr/> \$6,164 37

STATE OF CALIFORNIA, }
Sacramento County. }

I, David F. Douglass, do hereby certify, upon oath, that the above account of expenditures, from appropriations for light, fuel, etc., is just and correct.

DAVID F. DOUGLASS.

Sworn and subscribed to before me this fourteenth day of January, A. D. 1858.

WM. G. ENGLISH,

[SEAL.]°

Notary Public.

Copy of Accounts paid from Contingent Fund of Secretary of State.

January	31	Richard Bradley, porter for January, - - -	\$50 00
March	19	Wm. B. Hood, services in office, February, - - -	50 00
March	19	Richard Bradley, porter for February, - - -	50 00
May	1	Richard Bradley, porter for March and April, - - -	100 00
June	1	Cornelius Brown, porter for May, - - -	50 00
July	2	Cornelius Brown, porter for June, - - -	50 00
May	22	Charles Binney, stationery for office, - - -	44 75
		David F. Douglass, paid for packing-boxes and labor	
		packing books, - - -	95 13
May	31	Cornelius Brown, porter, July, - - -	50 00
October	7	Postage stamps, etc., July, August and September, -	120 57
October	7	C. Binney, stationery, - - -	8 25
October	26	Cornelius Brown, porter, August, - - -	75 00
October	26	Cornelius Brown, porter, September, - - -	75 00
November	7	R. P. Lee, Jr., refiling papers in office, - - -	200 00
Decemb'r	31	D. F. Douglass, sundries, - - -	70 62
			<hr/> \$1,089 32

STATE OF CALIFORNIA, }
 Sacramento County. }

I, David F. Douglass, do hereby certify, upon oath, the above account of expenditures in the office of Secretary of State is just and correct.

DAVID F. DOUGLASS,
 Late Secretary of State.

Sworn and subscribed to before me this fourteenth day of January, 1858.

WM. G. ENGLISH,
 Notary Public.

[SEAL.]

Mr. Thom introduced a bill entitled an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853;

And an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 30, 1855;

Which were read first and second times, and referred to the Committee on Corporations.

Mr. Chase gave notice that, at an early day, he would introduce a bill to amend the revenue law in relation to the apportionment of moneys received on account of merchants' and liquor licenses.

Mr. Griffith gave notice that he would, on to-morrow, introduce the following bills:

A bill for an act amendatory of an act entitled an act to regulate proceedings in civil cases, approved April 29, 1851;

Also, an act amendatory of an act entitled an act concerning sheriffs, passed April 29, 1851;

Also, an act defining the duties of the sheriff of Yolo county in the collection of taxes.

GENERAL FILE.

The report of the Committee on Federal Relations, and the communication of T. J. Henley, Superintendent of Indian Affairs, were taken up.

Mr. Griffith moved that the communication be sent to the Governor.

The chair ruled the motion out of order.

Mr. Griffith then moved that the communication be returned to Col. Henley.

Mr. Goodwin moved the indefinite postponement of the whole subject matter.

The question being on Mr. Griffith's motion to return the communication to Col. Henley, was put and lost.

The question being on Mr. Goodwin's motion to indefinitely postpone the whole subject matter, was put and carried.

Senate bill No. 4, an act to authorize the board of supervisors, the auditor, and treasurer, of the city and county of San Francisco to allow certain claims, therein mentioned, was taken up, considered in Committee of the Whole, and reported back to the Senate.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed and read a third time.

Senate bill No. 16, an act concerning the board of supervisors of the counties of Amador and Calaveras, was taken up, and, on motion of Mr. Chase, laid on the table.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly on yesterday passed Assembly joint resolution No. 3, relative to the several contracts for carrying the United States mail between the Atlantic states and Pacific coast.

J. W. SCOBEEY, Assembly Clerk.

Assembly joint resolution No. 3 taken up, read first and second times, and referred to Committee on Commerce and Navigation.

The following message was received from the Assembly:

MR. PRESIDENT:—On the 11th inst., the Assembly concurred in Senate resolution instructing the Joint Committee on Printing to report a resolution for printing documents accompanying Governor's message.

J. W. SCOBEEY, Assembly Clerk.

Mr. Carpenter offered the following concurrent resolution, which on motion of Mr. Melony, was referred to the Joint Committee on Printing:

Resolved, By the Senate, the Assembly concurring, that the following number of copies respectively, of the reports submitted by the several state officers, be printed for the use of the Senate and Assembly, to wit:

Of the Comptroller's,	. . . . .	1000
Of the Treasurer's,	. . . . .	1000
Of the Superintendent of Public Instruction,	. . . . .	500
Of the Attorney General's,	. . . . .	500
Of the Surveyor General's,	. . . . .	500

Mr. Johnson, of El Dorado, offered the following resolution:

Resolved, That the Committee on Commerce and Navigation, in the Senate, be authorized to proceed to San Francisco for the purpose of collecting facts and statistics in regard to the Atlantic and Pacific Mail Steamship Company, with a view to present the same in a memorial to Congress, in regard to the renewal of the contract with the general government, and that said committee be authorized, if nec-

essary, to appoint one suitable person to act as sergeant-at-arms and clerk, and that said committee be authorized to send for persons and papers.

Mr. Rogers moved to amend by inserting the words, "three of the committee," which was carried, and the resolution, as amended, was then adopted.

Mr. Griffith gave notice, that on to-morrow he would introduce a bill for an act to change the name of Maria Rebecca Spear, to that of Maria Rebecca Morrill.

On motion of Mr. Rogers, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, January 16th, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Griffith presented a petition from citizens of Yolo county, praying for the enactment of a Sunday law, which was read and referred to the Committee on Public Morals.

Mr. Dickinson presented petitions from citizens of American Flat, and citizens of Irish Flat, in El Dorado county, praying for the enactment of a Sunday law;

Which were read and referred to the Committee on Public Morals.

Mr. Gregory made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, to whom was referred the printing of such portions of various reports and other documents accompanying the Governor's message as in their opinion may be necessary, respectfully recommend that there be printed—

2,500 copies of the report of Comptroller of State.

1,000 copies of the report of Secretary of State.

2,500 copies of the report of State Treasurer.

1,000 copies of the report of Superintendent of Public Instruction, with appendixes A and B.

1,000 copies of the report of Quartermaster General.

D. S. GREGORY,

Chairman Senate Committee.

J. E. SHERIDAN,

Chairman Assembly Committee.

Report accepted, and placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed—

Senate bill No. 17, an act to amend an act entitled an act to provide for the erection of a jail in the county of Tuolumne, approved April 18, 1856.

Also, concurred in Senate resolution relative to the occupancy and use of the rooms of the capitol.

J. W. SCOBEE, Assembly Clerk.

Mr. Taliaferro, by leave, introduced a bill for an act to amend section second of the act of April 27, 1855, concerning lawful fences,

submit the following opinions from the postmasters of the cities of New York and Philadelphia :

A PLAN FOR INCREASING THE EFFECTIVENESS OF THE PACIFIC MAIL SERVICE.

In accordance with law, all letters that have lain three months, uncalled for, in the post-offices in California, and the territories of Oregon and Washington, are sent to the recently established dead-letter-office in San Francisco, there examined, and, with the exception of those classed as valuable, destroyed.

Less than one per cent. of dead letters are classed as valuable.

A paltry bauble will render a letter valuable, and it is preserved, while another, treating on matters of the gravest importance, is destroyed as worthless. The same disposition is made of letters from wives to their distant husbands, from parents to their children; letters, that from their nature are above all price, and the non-receipt of which may have given rise to many anxious moments; letters, in short, that form the legitimate "mail matter" of the postal service, and to secure the safe delivery of which that service was established; these, in the dead-letter-office, are not classed as valuable, and to the flames are consigned letters from home, to have obtained which, the persons for whom they were intended, would have traveled "many a weary mile." To remedy this grave evil, it is proposed, by Oliver Evans Wood, of Philadelphia, that all letters that have lain ——— weeks, uncalled for in post-offices in California, and the territories of Oregon and Washington, shall, as heretofore, be sent to San Francisco; but instead of destroying them, let an alphabetical list of the letters be made out, and calling this list the "Suspended Letter List," let it be printed and sent to each and every post-office in California, and the territories of Oregon and Washington, with a notice that the letters thus published are now lying in San Francisco, previous to their *final consignment to the dead-letter-office*, and unless redeemed within the next ——— weeks, they will *then* be considered as "dead," and disposed of as the law directs.

Instructions for redeeming letters to accompany the "list," so simple as to be readily understood, and easily complied with.

Important results are often due to simple causes. It will be only after some consideration of this project, of almost childlike simplicity, that the advantages to the public service from its adoption can be fully realized; it will then, however, be seen that from the very moment of its going into operation, a person can change his location in the Pacific region as often as motives of business or pleasure may dictate, and yet run no risk therefrom of losing his letters.

It will enable the postal service to perform the new and extraordinary service of safely delivering a letter addressed to a person whose residence is utterly unknown save the mere fact that he is somewhere in California or the adjoining territories. Permit me, by the following example, to illustrate how readily this apparently impracticable purpose may be accomplished. Suppose the "Suspended Letter List" in operation, and it is wished to communicate with Robert A. Lindsay, whose location however is unknown, save that he is somewhere in the three hundred thousand miles of territory called the Pacific region. In this case, direct the letter,

ROBERT A. LINDSAY,
Suspended Letter List,
San Francisco, California.

And forthwith, by the "Suspended Letter List," at each and every post-office in the entire Pacific region, Mr. Lindsay will receive information where and how to obtain the letter. In like manner, letters that through carelessness or error have been directed to the wrong post-office, after lying — weeks uncalled for will, being sent to San Francisco, ultimately appear published in the "Suspended Letter List," and, almost as a consequence, safely received. From these lists would soon attain such a degree of importance, that they would with interest be examined by citizens of all grades and conditions in life. Like all human inventions, the "Suspended Letter List" may have objections. It may be objected that through its operation valuable letters may get into wrong hands occasionally. I have stated here a small proportion that become "dead" are classed as valuable. But the same objection lies with equal force to the system of "Advertised Letter List" that for years has been in force, and to the inefficiency of which the ponderous dead-letter-mail of the Pacific bears such ample testimony; but inasmuch as those letters that appear published would otherwise almost without exception have become "dead," let them, therefore, be examined previous to publication, and if it be deemed expedient, exempt "valuable letters" from the advantages of the system.

But no fear of ill resulting from the trial need disturb the most cautious. My plan interferes with no postal arrangement; it merely intercepts on its path to the dead-letter-office and destruction the vast mass of letters the postal service, as at present organized, has found itself utterly unable to safely deliver, and is therefore in accordance with its usage. About consigning to the flames again, should my scheme be found to work unsatisfactorily, it can be instantly suppressed by suspending the publication of the "Suspended Letter List."

Indeed, the whole matter resolves itself into the simple proposition: shall we continue the practice of destroying letters, which at a heavy expenditure of the public money have been transported to the Pacific, or shall we rather adopt as an auxiliary to the postal service a system whereby the safe delivery of all letters is rendered almost absolutely certain, if the persons for whom they are intended are anywhere in California or the adjoining territories, and which system, by the high degree of efficiency it will impart, will, by inducing the transportation by the mails of a greater number of letters, add to the revenue as well as effectiveness of the Pacific mail service?

I have stated that before this paper has been submitted to your consideration, the memorial, of which it is an extract, will have been presented to Congress. I have laid the plan before your honorable body with the hope it may possess sufficient merit to elicit from it some expression of opinion that may be conducive to favorable action from the National Legislature. This may be done by a joint resolution requesting the attention of your representatives to the matter, or in such other mode as your wisdom may suggest. I trust the fact that the people of California are more directly interested in the measure than those of any other state, may excuse my having addressed you on the subject. I repeat, however, that I view the Pacific region as an experimental field in which to give a full trial to a system capable of far more extensive application.

I anticipate for the measure the hearty support of the delegation in Congress from the Pacific coast, but owing to the engrossing character of the subjects likely to be brought before the present Congress, unless most strongly supported, I fear an ordinary matter, even if approved, may not be acted on. Fortunately for this one, however, California is represented in the post-office committees of both branches of the national legislature: Dr. Gwin being in the Senate's, and Mr. Scott in that of the House. Could these gentlemen but be able to lay before their respective committees some action, either by the people or the Legislature of their state, in favor of the plan, the most favorable effect would doubtless be produced.

Should it be asked, who is this Oliver Evans Wood, of Philadelphia, that he should take so active a part in (as he conceives) promoting the efficiency of the postal service, I will answer, that I am the author of the "Pacific Mail List," a system of registration, that from May, 1856, to January, 1857, was in operation. An amendment to the post-office appropriation bill, approved March 3, 1853, was added by Congress, for the sole purpose of enabling the post-office department to give the plan a fair trial, as appears by a statement on file in the department, signed by the member of the Senate Committee on Post-offices and Post-roads, who introduced the matter to the consideration of the Senate. Thrice, however, did the department decline granting a trial; to wit, in November, 1854, in March, 1855, and in January, 1856; assigning as cause for its repeated rejections a report *adverse* to the practicability of the measure, rendered by the postmaster of New York city on October 17, 1853. At length, I drew the attention of the Hon. John B. Weller to the matter, and forthwith (in February, 1856,) he urged at the department, with such energy, the propriety of at least granting a trial, that despite the adverse report, it promised to him it would do so. To guard the post-office department from the odium of a failure, the Postmaster General placed such restrictions as rendered the demonstration of the feasibility of the measure barely possible, and its going into full operation out of the question. From the official letter giving me authority, I copy the following:

"I am instructed by the Postmaster General to inform you, that no responsibility is or will be assumed by the department, nor is it in any way directly or indirectly to be subjected to any expense in putting in operation or carrying out the plan proposed." This was signed by Horatio King, First Assistant Postmaster General. Mr. King signed a notice to postmasters in California, etc., whereby they were requested to place the "Pacific Mail List" in a conspicuous position in their respective offices. This notice imparted a semi-official character to the measure, but so literally have the conditions with regard to the expenses been enforced, that every circular issued by the department relative to the matter, (even although under its official stamp,) has been paid for by me, and I feel authorized to say, in violation of the intention of the act of Congress. In May, 1856, I issued the first "Pacific Mail List," and continuing to do so, until January, 1857, when so completely was the entire practicability of the plan demonstrated, to the *very source* from which emanated the adverse report that so long influenced the decisions of the post-office department, that I received the following letter:

POST-OFFICE, NEW YORK,)
January 3, 1857. {

Oliver Evans Wood, Esq.:

DEAR SIR:—I have become satisfied, from witnessing the manner in which you have conducted your system of registration in the "Pacific Mail List" of letters sent by mail to the various post-offices in the Pacific region, that the plan proposed by you can be carried into successful operation.

Very respectfully, yours,

ISAAC V. FOWLER.

It appears that Mr. Fowler had labored under a misconception with regard to the mode by which the plan was to be set to work, and hence his adverse report. With the demonstration of its feasibility, however, ceased the continuance of the measure itself. I would state, that the low rate for registration (three cents) rendered it necessary, that to support itself, the system should have the extended publicity the post-office department could alone impart, and this, the Postmaster General declined to give it. As addresses for registration continued to come in after the suspension, I would occasionally send forward a "List." These addresses are often accompanied with little notes, in which so intense anxiety for

the safe delivery of the letter to be registered is manifested, that the appeal cannot well be resisted, and until September last, I forwarded "Lists," when prudential considerations, arising from my altered circumstances, would have forbidden. Owing to the imperfect publicity the plan obtained in the Atlantic states, I was often obliged to correct errors made by people registering letters. It is probable these errors at times appeared in the list itself, and thus, in a degree, detracted from its usefulness; *for that it was useful*, I have evidence in my possession to prove beyond all doubt.

Before I could get to Washington with the letter from Mr. Fowler, the session was so far advanced that members advised me not to urge legislation, but to lay the matter before the thirty-fifth Congress.

I now close this paper. If my plans be found deserving, I trust that forthwith some expression of opinion will be dispatched to Washington. Pecuniary reverses have rendered me unable to give that personal attendance at the seat of government so essential to success, and also render some action on the part of your honorable body a matter of the greatest importance

All of which is respectfully submitted, by

OLIVER EVANS WOOD
Of Philadelphia.

DECEMBER 19, 1857.

POST-OFFICE, NEW YORK, }
January 28th, 1857. }

Mr. Oliver Evans Wood:

DEAR SIR:—In returning to you your plan for the publication of letters remaining uncalled for in post-offices in California, Oregon, etc., I take pleasure in stating that I have examined it carefully, and I agree with you that such a system would be of great advantage to the resident, as well as the great floating population on the Pacific. The plan seems to me to be eminently feasible and practicable, and its operation will measurably add to the efficiency of the postal service, and I agree with you in the belief that the system proposed can be successfully carried out without encroaching upon, or in any material manner interfering with the revenues of the department otherwise than advantageously.

Very respectfully yours,
ISAAC V. FOWLER.

POST-OFFICE, PHILADELPHIA, }
April 17th, 1857. }

Mr. Oliver Evans Wood:

SIR:—I have carefully read the papers you left with me in relation to your system of registering, and the publication of list of letters sent to the states and territories on the Pacific coast remaining uncalled for.

It affords me pleasure to say that I think your plan eminently practicable and perfectly feasible; and that it would be of great service to the residents and those in correspondence with California, Oregon, etc., cannot be doubted; that the plan can be put into operation satisfactorily to those interested without becoming a charge upon the revenues of the post-office department, is clear to my mind.

Very respectfully yours,

GIDEON G. WESSCOTT.

GENERAL FILE.

Senate bill No. 31, an act concerning evidence in certain cases, together with the report of joint select committee, was taken up, read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

Mr. Bell introduced a bill entitled an act more clearly defining the western boundary of Alameda county, and the city of Oakland, within said county, which was read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Chase introduced a bill for an act to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes, which was read first and second times, and placed on file.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 14th instant, passed Assembly bill No. 12, an act to change the name of James Defenbaugh to James D. Austin.

Also, on the 16th instant, concurred in Senate resolution appointing joint committee to visit state prison, etc., and have appointed Messrs. Lewis, Ferguson and Graham, on the part of the House.

J. W. SCOBEEY, Assembly Clerk.

The president appointed as committee on the part of the Senate, Messrs. Goodwin, Lewis and Burton.

Assembly bill No. 12, an act to change the name of James Defenbaugh to James D. Austin, was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Goodwin, there being no further business, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, January 19, 1858

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Lewis made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 9, entitled an act to separate the offices of county recorder, county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk, in the county of Placer, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Reported accepted, and, with bill, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 31, entitled an act concerning evidence in certain cases, have had the same under consideration, and report back a substitute, and recommend its passage ;

Also, Senate bill No. 21, entitled a bill to be entitled an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850,

and report it back to the Senate with amendments, and recommend its passage as amended:

First amendment—Strike out the words “a bill to be entitled,” in the title of the act;

Second amendment—Strike out the words “until removed,” in the thirteenth line, and insert “four years unless removed;”

Also, Senate bill No. 30, entitled an act providing for the binding out of apprentices, clerks, and servants, and report the same back, with the recommendation that it be referred to the Committee on Public Morals;

All of which is respectfully submitted.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Garter made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills report, that on the 18th day of January, 1858, at two o'clock, P. M., they presented Senate bill No. 7, entitled an act to amend an act entitled an act to fix the time of holding the terms of the district courts throughout this state, passed May 18th, 1853, to the Governor of this state for his approval.

E. GARTER, Chairman.

Mr. Gregory, from the Committee on Joint Printing, made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, having considered Senate concurrent resolution No. 10, for the printing the reports of the several state officers, respectfully represent, that no other reports of the said officers have been submitted than those named in your committee's report to Senate concurrent resolution No. 4, and that the reports of said officers have been acted upon by your committee, who therefore pray to be discharged from the further consideration of the subject.

D. S. GREGORY,

Chairman Senate Committee.

J. E. SHERIDAN,

Chairman of House Committee.

Mr. Pacheco introduced a bill for an Act entitled an act granting to David P. Mallagh the right to collect toll on a road in San Luis Obispo county,

Which was read first and second times, and referred to Committee on Roads and Highways.

Mr. Berry introduced a bill for an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857,

Which was read first and second times, and referred to the delegation from the twelfth senatorial district.

Mr. Sullivan gave notice that he would, at an early day, introduce an act to ratify and confirm the sale of the interest of the state of California in the water lot property in the city of San Francisco, and to quiet the title thereto.

Mr. Holden gave notice that he would, at an early day, introduce a bill for an act to amend an act concerning roads and highways, passed April 28, 1855, approved April 19, 1856.

Mr. Sullivan introduced the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that the Legislature adjourn *sine die* on Monday, the 15th day of March, 1858, at 12 o'clock M.

Which, on motion, was laid on the table.

GENERAL FILE.

Senate bill No. 9, entitled an act to separate the offices of county recorder and county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk in the county of Placer, was taken up, read a third time, and passed.

Substitute of Judiciary Committee for Senate bill No. 31, an act concerning evidence in certain cases, was taken up and adopted.

On motion of Mr. Burch, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 21, a bill for an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850—taken up, amendments of the Judiciary Committee adopted, bill ordered engrossed, and read a third time.

Senate bill No. 30, an act providing for the binding out of apprentices, clerks, and servants, was referred to the Committee on Public Morals.

Senate bill No. 33, an act to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes, was taken up, ordered engrossed, and read a third time.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, adopted concurrent resolution relative to mail-route in Placer and Nevada counties;

Also, concurrent resolution relative to mail-route from Marysville to Forest City *via* North San Juan;

Also, concurrent resolution relative to the establishment of certain mail-routes in the northern part of this state;

And ask the concurrence of the Senate.

J. W. SCOBEY, Assembly Clerk.

The following Assembly concurrent resolution was taken up:

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the early establishment of a mail-route and daily mail from Auburn, Placer county, to Nevada city, Nevada county, *via* Porter's Bridge and Grass Valley.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to our senators and representatives in Congress at as early a day as practicable.

Mr. Griffith moved to amend by adding the words, "Also, a tri-weekly mail from Sacramento city *via* Yolo City, in Yolo county, to Cacheville, in Yolo county."

Which was adopted, after much debate.

Mr. Burton moved to refer the resolution to the Committee on Education, which was lost.

The resolution as amended was then concurred in.

The following Assembly resolution was taken up:

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be and are hereby instructed, and our representatives requested, to secure

the early establishment of a daily mail-route from Marysville, in Yuba county, to Forest city in Sierra county, *via* North San Juan, in Nevada county.

The Senate concurred.

Assembly concurrent resolution, relative to the establishment of certain mail-routes in the northern part of this state :

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be and they are hereby instructed, and our representatives requested, to use their influence to procure the passage of a law establishing a mail-route, and a weekly service thereon, from the town of Union, in Humboldt county, *via* Hoopa Valley, to Orleans Bar, in Klamath county.

Also, for a law establishing a mail-route, and a weekly service thereon, from the town of Union *via* Eureka, Bucksport, Table Bluff, Eel River, Pacific Township, Bear River, and Mattole Valley, in Humboldt county, and Mendocino Mills, Albion, Ukiah, Russian River, Santa Rosa, and Petaluma, by land, and from thence to San Francisco by water, and to procure a sufficient appropriation to render said mail service effective.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolutions to each of our senators and representatives in Congress, and to the Postmaster General of the United States, at as early a day as practicable.

On motion, the Senate concurred.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 19, 1858. . }

To the Senate of California :

I have this day approved an act to amend an act entitled an act to amend an act entitled an act to fix the times for holding the terms of the district courts throughout this state, passed May 18, 1853.

Very respectfully,

JOHN B. WELLER.

Mr. Chase introduced a bill for an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857.

Which was read first and second times, and referred to the Committee on Finance, with instructions to report on Friday, the 22d.

Mr. Gregory moved that the usual number of copies be printed.

Mr. Chase moved to reconsider the vote by which the committee were instructed to report on Friday, which was carried.

Mr. Gregory withdrew his motion to print, and Mr. Chase then moved that the committee be instructed to report on Monday next, which was adopted.

Mr. Lewis offered the following resolution :

Resolved, That the sergeant-at-arms of the Senate be allowed an assistant in the discharge of his duties.

Which was adopted.

On motion, leave of absence, for an indefinite period, was granted to Messrs. Goodwin, Lewis, and Burton, the committee appointed by the Senate to act with a like committee from the House to examine into, and report all matters connected with, the state prison.

Mr. Griffith offered the following resolution, which was adopted :

Resolved, That the president of the Senate be, and he is hereby, authorized to audit the account of the assistant sergeant-at-arms of the Senate, from the time he commenced the discharge of his duties as such.

On motion of Mr. Carpenter, the Senate adjourned.
Approved.

JOSEPH WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, January 20, 1858.

Senate met pursuant to adjournment.

The president in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Johnson of Sacramento, presented the claim of Thomas R. Eldredge, for translating the laws of 1857 into the Spanish language,

Which was read and referred to the Committee on Claims.

Mr. Holden, from the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined, and find correctly engrossed, Senate bill No. 4, an act entitled an act to authorize the board of supervisors of the city and county of San Francisco to direct the auditor of said city and county to audit, and the treasurer of the same to pay, certain claims therein mentioned.

HOLDEN, of the Committee.

Mr. Rogers, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, approved March 2d, 1857, report the same back with certain amendments, and recommend its passage as amended.

GEO. H. ROGERS, Chairman.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations beg leave to report that they have had under consideration Assembly joint resolution No. 1, in relation to a Pacific Railroad, and after mature deliberation upon a subject of so much importance to the whole Union, and to this state, the committee have instructed me to report the same back to the Senate, and recommend the adoption of the same, after striking out the preamble, as in the opinion of the committee, the first resolution contains the substance of the preamble, besides "buncombe" sufficient to satisfy the most enlightened patriot.

The committee would enlarge upon these resolutions, but the subject, like the temperance and other great questions, has been worn threadbare by the press,

legislators, and politicians, and having nothing new to present, simply make the suggestions as contained in this report.

The committee have also had under consideration the memorial of Oliver Evans Wood, in relation to the institution of a suspended letter list, and thinking the plan a good one and entirely practicable, and, if adopted, a matter of immense advantage to the people of this state, have instructed me to report the accompanying joint resolution, and recommend its adoption.

All of which is respectfully submitted.

S. A. MERRITT,
Chairman Committee on Federal Relations.

Report accepted, and, with resolution, placed on file.

Mr. Allen introduced a bill for an act granting to Mathew Woods the right to construct a wire suspension or truss bridge, across the Yuba river,

Which was read first and second times.

Mr. Allen moved to suspend the rules and consider the bill now.

Mr. Carpenter moved to refer to Committee on Roads and Highways,

Which was carried.

Mr. Berry introduced a bill for an act to amend an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25th, 1857,

Which was read first and second times, and referred to the Committee on Military Affairs.

Mr. Chase moved to reconsider the vote by which the Senate, on yesterday, concurred in Assembly concurrent resolution relative to a mail-route from Placer to Nevada,

Which was carried.

Mr. Chase then moved to amend the resolution by striking out "Porter's" and inserting "English's,"

Which was carried.

Mr. Johnson of Sacramento, offered the following additional amendment :

After the words "in Yolo county," add "and tri-weekly from Sacramento to Stockton by the telegraph road,"

Which was adopted.

The resolution as amended was then concurred in.

Mr. Chase gave notice that, at an early day, he would introduce a bill to regulate auction licenses in the city and county of San Francisco.

Mr. Garter gave notice that, at an early day, he would introduce a bill entitled an act to amend an act concerning jurors, passed May 3, 1852;

Also, a bill entitled an act amendatory of, and supplemental to, an act for the government and protection of Indians, passed April 22, 1850.

Mr. Allen introduced the following joint resolution, which was read first and second times, and referred to the Committee on Public Lands :

JOINT RESOLUTION OF INSTRUCTIONS TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS.

WHEREAS, the act of Congress, approved, March 3d, 1853, granting redemption rights, etc., in the state of California, being an exception to that of any other state, by not only excluding the right of pre-emption to lands for grants unlocated, but to all lands that may be claimed under floating foreign titles, or grants, many of which prevent the settlement of ten and twenty times the amount of territory called for in the grant, hence rendering pre-emptions almost a nullity in California, believing that we are entitled under second section, article fourth

of the constitution of the United States to equally as liberal laws encouraging the settlement and improvement of public land as any other state, therefore

Resolved, By the Senate and Assembly of California, that our Senators be instructed, and our representatives requested, at their earliest convenience, to procure such modification of the pre-emption law for California, approved March 3d, 1853, as will place us on an equality with other states, giving the right of pre-emption to all lands not segregated from the public domain as private property.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

Mr. Bell offered the following concurrent resolution :

Resolved, by the Senate, the Assembly concurring, that a joint committee, consisting of three from the Senate and three from the Assembly, be appointed to visit the treasury of this state to examine and report its condition in relation to the security of the treasure therein, and what further safeguards, if any, may be required.

Mr. Melony moved to lay the resolution on the table, which was carried.

Mr. Berry gave notice that on to-morrow he would introduce a bill for an act to repeal the act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857.

Mr. Pacheco gave notice that on to-morrow, or some early day thereafter, he would introduce a bill for an act to reduce and fix the amount of official bonds of certain officers in San Luis Obispo county.

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly, on the 18th of January, 1858, adopted concurrent resolution to visit the insane asylum ;

Also, concurrent resolution relative to territorial government in Utah ;

Also, concurrent resolution relative to a mail-route from San Bernardino to Fort Yuma, on the 19th January, 1858, and ask the concurrence of the Senate ;

Also, on yesterday, reconsidered the appointment of the House committee to visit the state prison, and appointed Messrs. Lewis, Edwards and Graham.

J. W. SCOBEEY, Assembly Clerk.

Assembly concurrent resolution, relative to the territorial government of Utah was taken up, read, and referred to the Committee on Federal Relations.

Assembly concurrent resolution, appointing committee to visit the insane asylum, was taken up.

Mr. Phelps moved to amend by inserting two from each committee, which was adopted, and the resolution as amended concurred in.

Assembly concurrent resolution relative to a mail-route from San Bernardino to Fort Yuma, was read, and the Senate concurred.

Mr. Merritt introduced a bill for an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state, which was read first and second times.

Mr. Gregory moved its reference to the Committee on Public Lands, which was lost, and the bill was then referred to the Judiciary Committee.

The president announced as the committee to visit the state insane asylum, on the part of the Senate, in conjunction with the House committee, Messrs. Taliaferro and Hamm.

GENERAL FILE.

Senate bill No. 4. "An act to authorize the board of supervisors of the city and county of San Francisco, to direct the auditor of said city and county to audit, and the treasurer of the same to pay, certain claims therein mentioned."

On motion of Mr. Phelps, the bill was recommitted to the San Francisco delegates, with special instructions.

Senate bill No. 10. "An act to amend an act entitled an act to create the county of Los Norte, to define its boundaries, and to provide for its organization," passed March 2, 1857. Amendments of the committee adopted, bill ordered engrossed, and read a third time.

Assembly joint resolution relative to a Pacific Railroad was taken up, report of committee adopted, provisions struck out, and the resolution, as amended, passed.

Senate joint resolution relative to the memorial of Oliver Evans Wood, in relation to a "suspended debt list," was read first and second times, and placed on second file.

The following message was received from the Assembly:

Mr. President:—I am directed to inform the Senate that the Assembly, on the 11th inst., passed Assembly bill No. 1, "An act to regulate the fees of certain county officers of Contra Costa county."

Also, Assembly bill No. 2, "An act to change the name of William Wilson Smith to William Wilson Lawson."

Also, Assembly bill No. 3, "An act to incorporate the town of Union."

J. W. STOBET, Assembly Clerk.

Assembly bill No. 1, "An act to regulate the fees of certain county officers of Contra Costa county," was read first and second times, and referred to the department of General Claims.

Assembly bill No. 2, "An act to change the name of William Wilson Smith to William Wilson Lawson," was read first and second times, and referred to the Committee on Public Matters.

Assembly bill No. 3, "An act to incorporate the town of Union," was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Phelps, the assembly of the Senate was granted leave of absence for an indefinite period, on account of sickness.

Mr. Bell moved to take from the table "the memorial presented in relation to the appointment of a commission to visit the state treasury" which was lost.

Mr. Phelps made the following report:

Mr. President:—The San Francisco delegates, by whom was introduced Senate bill No. 4, "An act to authorize the board of supervisors of the city and county of San Francisco to direct the auditor of said city and county to audit, and the treasurer of the same to pay, certain claims therein mentioned," have had the same under consideration, and recommended that the act be amended by adding after the word "therein" in the first line of the second section, "the purposes authorized or required by law" and that the act be amended be passed.

H. A. WILLIAMS
T. C. PHILIPS

Report accepted, bill taken up, and amendments of committee adopted.

Mr. Phelps moved to amend the title, which was agreed.

The bill was then considered and read a third time, and passed.

On motion of Mr. Phelps, the Senate adjourned.

JOS. W. ALKIEP, President of Senate.

ARTHUR TOWN, Secretary of Senate.

IN SENATE.

THURSDAY, January 21, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday were being read, when Mr. Chase moved to suspend the further reading of the report from the Committee on Federal Relations, presented yesterday, which was carried.

The reading was then resumed and journals approved.

Mr. Johnson of Sacramento, presented the claim of William Wright,

Which was referred to the Committee on Claims.

Mr. Holden made the following report, which was accepted, and placed on file:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate concurrent resolution No. 8, asking Congress to so modify the several laws donating the sixteenth and thirty-sixth sections of townships for school purposes, so that the sections may be sold, and that the proceeds arising therefrom may constitute a fund, to be divided *pro rata*, and equally among the several townships of the state for school purposes, have had the same under consideration, and I am instructed to submit the following report:

Section sixth, of an act of Congress approved March 3d, 1853, under which we claim these lands, enacts, that all the public lands in the state of California, whether surveyed or unsurveyed, with the exception of section sixteenth and thirty-sixth, which shall be, and are hereby granted to the state for school purposes in each township. The language here used is so plain and proves so clearly that it was intended by Congress that each township should have the exclusive benefit of the two sections that your committee have only to consider the policy of modifying the laws as asked for in the resolution, in doing which it is submitted whether Congress has the right to make such modifications.

We take it that the words of the law making the donation, grant in full, without reservation or condition, the two sections of land *in each township* named in the act to the state for school purposes in the township. The grant is perfect and complete; the inhabitants of the townships have acquired a vested and indefeasible right; the fee simple to the land has passed from the general government, and Congress can no more pass a law affecting that right than she can the ownership of lands patented by the general government.

If A owns a tract of land and conveys it in fee simple to B, we take it that A loses all control over the land thus conveyed, and if A has lost all control he certainly cannot modify or change the grant so as to make it less valuable to B; for if he could, he could revoke the grant altogether. So, if Congress can pass a law making the value of the grant to the townships less, it can pass a law revoking the grant.

If Congress can, by law, revoke this grant, by the same means it can revoke any other grant, consequently even he that holds his lands under a patent from the general government, would be insecure in his property.

Nor does the fact that these lands are granted to the state in trust for the townships invalidate the doctrine from where the trust is declared in the grant creating the trust, the beneficial right in the estate vests in the *cestuy que trust*, as clearly and as certainly as does the legal right vest in the trustee; hence your committee conclude that it would be bad policy to ask for that which Congress cannot grant.

But admitting that Congress can modify the law, let us inquire whether such a policy would advance the interest of the school fund; by the words of the grant one eighteenth part of the whole area of the state is granted to the state as afore-

said, amounting to over six million acres of land, but the mountain districts (comprising probably one-half of the state) have not been, and unless proper care is taken, will not be surveyed for some years, consequently in those districts there are no townships, and hence can be no school lands; therefore, if the law of Congress is modified as asked for in the resolution, this state would get but three instead of six million acres of land. But your committee are of the opinion that if the township lines were run in those mountain districts, that each township in the mountains would have the right to locate two sections on any unappropriated land in the land district in which said township is situated, under the act of Congress passed May 20th, 1826, entitled an act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for; or if they could not be located under the act, Congress could pass a law giving the right, because it would be only carrying out the true intent and meaning of the original grant; if, however, the law is modified as asked for in the resolution, every township that is now, or may hereafter be surveyed, would be provided for, and we could not locate under the above-named act, nor could we, with propriety ask Congress to denote lands to townships that already have lands; therefore, by adopting the policy indicated in the resolution, this state would lose one-half of that rich legacy granted by the general government to that most sacred of all, the school fund.

Your committee would further submit, that even were the law modified as sought in the resolution, the same injustice would be done to some townships as is claimed to be done under existing law, for a township on the burning desert of the Colorado, or high upon the snow-covered Sierras, would be entitled to draw the same amount of school money as the townships on which Sacramento and San Francisco stand.

The policy of the general government in granting the sixteenth sections of land in each township for school purposes in such townships has been so firmly established—so long and steadily pursued—so clearly defined, and so thoroughly understood, and so universally acquiesced in by those states to which such grants have been made, that your committee can scarcely believe that Congress would, if she had the right, change a policy so firmly fixed, upon a resolution of this Legislature.

Either one of the above reasons your committee deem ample and sufficient grounds why the resolution should not pass, and therefore submit the following preamble and resolutions as a substitute for the concurrent resolution.

HOLDEN, Chairman,
Of the Committee on Public Lands.

Report and resolutions placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee to whom was referred Senate bill No. 22, entitled an act to amend the fifth section of an act entitled an act defining the rights of husband and wife, passed April 17th, 1850, have had the same under consideration and report it back, with the following amendment, and recommend its passage:

Section first—in the nineteenth line, strike out the words “executed and.”

The committee have also had under consideration Assembly bill No. 12, entitled an act to change the name of James Defenbaugh to James D. Austin, and recommend its passage.

The committee have also had under consideration Senate bill No. 14, entitled an act concerning divorces, and report the same to the Senate, with the unanimous recommendation that it be indefinitely postponed.

All of which is respectfully submitted.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.
Mr. Melony made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 1, entitled an act to regulate the fees of certain county officers of Contra Costa county, have had the same under consideration, and respectfully recommend the passage of the same, without amendment.

A. R. MELONY.

On motion of Mr. Melony, the rules were suspended, bill read third time, and passed.

Mr. Berry, to whom was referred Senate bill No. 35, entitled an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29th, 1857, asks leave to report the same back, without amendment, and recommend its immediate passage.

J. BERRY, Twelfth District.

On motion of Mr. Berry, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, passed Senate bill No. 29, entitled an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrill;

Also, Senate bill No. 31, entitled an act concerning evidence in certain cases, with an amendment, and ask the concurrence of the Senate;

Also, Assembly bill No. 3, entitled an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco;

Also, concurred in Senate resolution relative to the printing of one thousand five hundred copies of the report of the trustees and resident physician of the insane asylum at Stockton;

Also, adopted Assembly concurrent resolution, relative to the protection of the state treasury, and ask the concurrence of the Senate.

J. W. SCOBEEY, Assembly Clerk.

Substitute for Senate bill No. 31, was taken up, and Assembly amendment concurred in.

Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco, was read first and second times, and referred to the Judiciary Committee.

Senate concurrent resolution No. 12, relative to printing the report of trustees and resident physician of the insane asylum, was, on motion of Mr. Carpenter, referred to the joint committee on printing.

Assembly concurrent resolution, relative to the protection of the state treasury, was taken up and considered.

Pending which, the following message was received from the Governor:

EXECUTIVE OFFICE,
January 21, 1858. }

To the Senate of California:

In counting the money in the state treasury a few days since, I had an opportunity of examining the vault and safe in which the public moneys are kept, and I have no hesitation in saying that an efficient night-watch ought to be provided for the building in which the office is located. The safety of the treasury, as

well as the security of the public records demand this, especially whilst the Legislature is in session.

JNO. B. WELLER.

The question on concurring in the Assembly concurrent resolution was put and carried.

The president appointed as the committee on the part of the Senate, Messrs. Bell, Melony, and Anderson.

Mr. Berry introduced a bill entitled an act to repeal the act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857, which was read first and second times, and referred to the Committee on Corporations.

Mr. Allen introduced a bill for an act to regulate the rate of interest on money, and to prevent usury; which was read first and second times, the usual number ordered printed, and bill referred to the Judiciary Committee.

Mr. Merritt introduced a bill for an act entitled an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, which was read first and second times, and referred to Judiciary Committee.

Mr. Sullivan, by leave, introduced a bill entitled an act to authorize the executors of the last will and testament of J. C. Christian Russ, deceased, to sell real estate at private sale.

Bill read first and second times, and referred to the Judiciary Committee.

Mr. Pacheco introduced a bill for an act entitled an act to change and fix the official bonds of certain officers in the county of San Luis Obispo, which was read first and second times, and referred to the delegation from San Luis Obispo and Santa Barbara.

GENERAL FILE.

Senate joint resolution No. 16, relative to the memorial of Oliver Evans Wood, in relation to a suspended letter list, was taken up, ordered engrossed, and read a third time.

Senate concurrent resolution No. 8, together with substitute reported by committee, was taken up and substitute adopted.

Mr. Gregory moved to strike out in the preamble the words, "of this state, together with large tracts of lands covered with Mexican grants," and insert, after the words "mountain district," the words "and other portions of the state," which was adopted.

Mr. Ketchum moved to strike out in resolution two, all after the word "land," in the ninth line, and insert the words "upon any of the unappropriated agricultural lands of this state," which was carried, and the resolution as amended was then adopted.

Senate bill No. 22, a bill for an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17th, 1850, was taken up, amendments of the Judiciary Committee adopted, and bill ordered engrossed and read a third time.

On motion of Mr. Chase, the vote by which the bill was ordered engrossed and read a third time, was reconsidered.

Mr. Chase then moved to amend the title of the bill, by striking out the words "a bill," which was carried, and the bill, as amended, ordered engrossed and read third time.

Assembly bill No. 12, an act to change the name of James Defenbaugh to James D. Austin, was taken up, read third time, and passed.

Senate bill No. 14, an act concerning divorcees, was, on motion of Mr. Phelps, laid on the table.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 39, entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett ;

Also, Assembly bill No. 23, entitled an act to authorize Peter Davidson to convey certain real estate ;

Also, have refused to concur in Senate amendment to Assembly concurrent resolution appointing committee to visit insane asylum, and respectfully ask that the Senate recede from their amendment.

J. W. SCOBEEY, Assembly Clerk.

Assembly bill No. 39, act entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett, was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate, was read first and second times, and referred to the Judiciary Committee.

Assembly concurrent resolution relative to committee to visit the state insane asylum, was taken up, and the Senate refused to recede from their amendment.

Mr. Taliaferro moved that the Committee on Agriculture be requested to report back to the Senate, without recommendation, Senate bill No. 24, an act to amend section second of an act of April 27, 1855, concerning lawful fences, which was carried.

Mr. Soule introduced a bill entitled an act in relation to a sea-wall or bulk-head in the city and county of San Francisco,

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Bell gave notice that he would introduce into the Senate a bill providing for the extending of the principles of the present homestead law, so as to include unmarried men and women.

Mr. Melony made the following report :

MR. PRESIDENT :—Your committee to whom was referred Senate bill No. 24, report the same back, without recommendation, in accordance with the instructions of the Senate.

A. R. MELONY, Chairman.

Report accepted.

Mr. Taliaferro moved to refer the bill to the Judiciary Committee with special instructions,

Which was carried, and the bill was so referred.

Mr. Bell gave notice that he would introduce a bill regulating the grazing of cattle on commons in certain counties in this state.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have appointed Messrs. De Long, Ormsby, and Hancock, a committee of conference on the part of the House, upon the disagreeing vote of the two houses relative to sending a committee to visit the insane asylum, and ask the appointment of a similar committee by the Senate.

J. W. SCOBEEY, Assembly Clerk.

The president announced as the committee of conference on the part of the Senate, Messrs. Taliaferro, Melony, and Griffith.

On the motion of Mr. Johnson of Sacramento, the Senate adjourned.
Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

FRIDAY, January 22, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Holden, chairman of Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined, and found correctly engrossed, Senate bill No. 33, entitled an act to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes ;

Also, Senate bill No. 10, an act to amend an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2, 1857 ;

Also, Senate bill No 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850.

HOLDEN.

Report accepted, and placed on file.

Mr. Baker made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following bills, and recommend that they be paid out of the contingent fund :

Stoddard & Prentice,	-	-	-	-	-	-	-	-	-	\$16 00
Greenbaum & Bucki,	-	-	-	-	-	-	-	-	-	29 75
Howard & Sanders,	-	-	-	-	-	-	-	-	-	1 00
Gardiner & Kirk,	-	-	-	-	-	-	-	-	-	129 75
Carswell & Hossack,	-	-	-	-	-	-	-	-	-	8 50
Kohn & Co,	-	-	-	-	-	-	-	-	-	1 00
Thomas Hansbrow,	-	-	-	-	-	-	-	-	-	7 00
Sergeant-at-arms,	-	-	-	-	-	-	-	-	-	10 50
Total,	-	-	-	-	-	-	-	-	-	\$203 50

Report accepted, and placed on file.

Mr. Taliaferro, chairman of Senate committee of conference on state insane asylum, made the following report :

MR. PRESIDENT:—The committee of conference, to whom was referred the disagreeing vote of the two Houses upon the concurrent resolution au-

thorizing the Hospital Committee to visit the state insane asylum, have agreed to recommend three from each House, and respectfully ask the concurrence of the Senate to the same.

A. W. TALIAFERRO, Chairman Senate Committee.

Report accepted, and placed on file.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
Jan. 21, 1858. }

To the Senate:

In consequence of the failure of J. W. Mandeville to qualify as Comptroller, a vacancy in that office has occurred, and I hereby nominate and appoint Samuel H. Brooks, of San Joaquin county, to that office, and respectfully ask the concurrence of the Senate therein.

JOHN B. WELLER, Governor.

Mr. Griffith moved that the message be the special order, in executive session, for Tuesday next, at twelve o'clock M., which was carried.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, refused to concur in Senate amendments to Assembly joint resolution No. 1, in relation to a Pacific railroad, and respectfully ask that the Senate recede from their amendment;

Also, adopted the report of the committee of conference upon the disagreeing vote of the two Houses upon resolutions appointing committee to visit the state insane asylum, and have appointed Messrs. Thomas, Warfield, and Ormsby on the part of the House;

Also, passed Assembly bill No. 38, entitled an act to confirm and legalize the tax list or assessment roll of the city and county of San Francisco for the fiscal year ending the thirtieth day of June, 1858, and to provide for the collection of delinquent taxes thereon.

SCOBEY, Clerk.

Assembly joint resolution No. 1, in relation to a Pacific Railroad, was taken up.

The question, being on the Senate receding from their amendment, was put, and the Senate refused to recede.

Mr. Bell moved the appointment of a committee of free conference, which was carried, and the president appointed Messrs. Merritt, Gregory, and Garter, as committee on behalf of the Senate.

Assembly bill No. 38, an act to confirm and legalize the tax list and assessment roll of the city and county of San Francisco for the fiscal year ending the thirtieth day of June, 1858, and to provide for the collection of delinquent taxes thereon, was read first and second times.

Mr. Soule moved to suspend the rules, which was carried, and bill was then read a third time, and passed.

The report of the committee of conference, relative to insane asylum was read and concurred in, and the president appointed Mr. Melony on the joint committee to visit the asylum.

Mr. Taliaferro introduced an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11th, 1854, which was read first and second times, and referred to Committee on Commerce and Navigation.

Mr. Taliaferro gave notice that he would, at an early day, introduce a bill to prevent the importation of, sale, and sophistication of certain drugs and other articles.

Mr. Bell, of the joint committee relative to the safety of the state treasury, reported the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that the Treasurer of State be hereby instructed to procure the services of a sufficient number of guards for the protection of the treasure in his keeping, and that he be authorized to use such other precautionary measures as he may, in his judgment, deem necessary, until such time as this Legislature may resolve otherwise.

Mr. Soule gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill to authorize Edmund Randolph, Andrew J. Moulder, James Van Ness, and William McKibben to sign certain papers, and issue certain bonds.

GENERAL FILE.

Senate bill No. 33, an act to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes, was read third time, and passed.

Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2, 1857, was read third time, and passed.

Senate bill No. 21, a bill to be entitled an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850, was returned to the Engrossing Committee, not being correctly engrossed.

The report of the Committee on Contingent Expenses was taken up, and adopted.

Mr. Griffith moved to take from the table Senate bill No. 14, an act concerning divorces, which was lost.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, January 23, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Baker presented the petition of citizens of Yankee Jim's, Placer county, praying the enactment of a Sunday law, which was read, and referred to the Committee on Public Morals.

Mr. Berry presented the petition of citizens of Crescent City, Del Norte county, praying the enactment of a Sunday law, which was referred to the Committee on Public Morals.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following bill, and find it correct; they therefore beg leave to report in favor of its being paid out of the post-office fund.

BAKER, Chairman.

James S. Hawkins, Sergeant-at-Arms of Senate,

To Post-Office, Dr.,

1858.									
January 12	To 2,000 one-cent postage stamps, -	-	-	-	-	-	-	\$20	00
January 12	To 500 three-cent postage stamps, -	-	-	-	-	-	-	15	00
January 12	To 250 ten-cent postage envelopes, -	-	-	-	-	-	-	25	00
January 14	To 1,000 three-cent postage envelopes, -	-	-	-	-	-	-	32	00
January 16	To 2,000 three-cent postage stamps, -	-	-	-	-	-	-	60	00
	Total, -	-	-	-	-	-	-	\$152	50

Report accepted, and placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 29, an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrill, and find the same correctly enrolled.

E. GARTER, Chairman.

Mr. Holden, of the Committee on Engrossed bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined, and find correctly engrossed, Senate bill No. 21, entitled an act to amend the first section of an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850;

Also, Senate bill No. 22, entitled an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17, 1850;

Also, Senate joint resolution No. 16, relative to memorial of Oliver Evans Wood's "Suspended Letter List."

WM. HOLDEN, of Committee.

Report accepted, and placed on file.

Mr. Rogers introduced a bill for an act entitled an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, which was read first and second times, and referred to the delegation from Tuolumne.

GENERAL FILE.

Senate bill No. 33, an act to amend the sixth section of an act entitled

an act defining the rights of husband and wife, passed April 17, 1850, was read a third time, and passed.

Senate bill No. 31, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 30th, 1850, was read third time, and passed.

Senate joint resolution No. 16, relative to the memorial of Oliver Evans Wood's "Suspended Letter List," was read third time, and passed.

The report of the Committee on Contingent Expenses, was read and adopted.

Mr. Phelps gave notice that he would, at an early day, introduce a bill for an act concerning marks and brands.

Also, a bill for an act authorizing the construction of a wharf at Half Moon Bay, in the county of San Mateo.

Mr. Baker gave notice that he would, on Monday next, or at some future day, introduce a bill to provide for the better observance of the Sabbath.

Mr. Chase, Chairman of the Judiciary Committee, reported verbally upon Assembly bill No. 8, an act to incorporate the town of Union, and recommended its passage.

Report adopted, and the bill read third time, and passed.

Mr. Bell in the chair.

Mr. Carpenter gave notice that he would, at an early day, introduce a bill concerning chattel mortgages.

Mr. Soule introduced a bill for an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers, and issue certain bonds, which was read first and second times, and referred to the Judiciary Committee.

Mr. Chase, chairman of the Judiciary Committee, reported back Senate bill No. 24, an act to amend section second of an act of April 27, 1855, concerning lawful fences, with a substitute, and recommended the adoption of the substitute.

Report accepted, and substitute adopted.

Mr. Taliaferro moved to suspend the rules, which was carried, and the bill was considered engrossed, read third time, and passed.

On motion of Mr. Ketchum, Senate bill No. 16, an act concerning the board of supervisors of the counties of Amador and Calaveras, was taken from the table, rules suspended, considered engrossed, read third time, and passed.

Mr. Chase moved to reconsider the vote by which Assembly bill No. 38, an act to confirm and legalize the tax list, or assessment roll, of the city and county of San Francisco, for the fiscal year ending the 30th day of June, in the year 1858, and to provide for the collection of delinquent taxes thereon, was passed on yesterday, which was carried.

Mr. Merritt moved to reconsider the vote by which the bill was read a third time, which was carried.

Mr. Merritt then moved to recommit the bill to the Judiciary Committee, which was carried.

Mr. Soule moved that the committee be instructed to report the bill on Tuesday next, which was carried, and the committee were so instructed.

On motion of Mr. Baker, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

MONDAY, January 25, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent, Messrs. Merritt and Sullivan.

Journals of Saturday read and approved.

On motion of Mr. Burch, leave of absence was granted to Mr. Garter for one week, from Tuesday the 26th.

Also, leave of absence to Mr. Berry for one day.

On motion of Mr. Thom, leave of absence was granted to Mr. Pacheco for one day.

Mr. Johnson of Sacramento presented the claim of B. F. Hastings for rent of Supreme Court rooms, which was read and referred to Committee on Claims.

Mr. Gregory, from the Joint Committee on Printing, made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, to whom was referred Senate concurrent resolution No. 12, for the printing of fifteen hundred copies of the report of the trustees and resident physician of the state insane asylum, at Stockton, respectfully recommend the adoption of the resolution, and that the said report be printed in full.

D. S. GREGORY, Chairman Senate Committee.

J. E. SHERIDAN, Chairman House Committee.

Report accepted, and placed on general file.

Mr. Johnson of Sacramento, chairman of Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, have had the same under consideration, and a majority of them have instructed me to make the following report:

Your Committee find, upon investigation, that the ninth and tenth classes of merchants' licenses, and the licenses for the sale of liquors in less quantities than one quart, are mostly collected in small amounts, and in many counties are scattered, and at such distances from the county seat, that the collection, together with the expenses of criminal prosecutions, consequent upon the issuance of such bar or liquor licenses, is fully equal to the amount collected; nearly all of which is unavoidably paid by the several counties in which such collections are made. This change can be made without increasing the aggregate of taxation, or material injury to the financial condition of the state, and in the opinion of your committee, as a matter of justice, should be awarded to the several counties of the state.

We therefore recommend the passage of the bill, with amendments, as reported herewith.

All of which is respectfully submitted.

JOSIAH JOHNSON, Chairman.

Amend section second by striking all out after the word "shall," in the

twenty-seventh line, down to the word "and," in the twenty-ninth line' and insert the words "credit the treasurer with the licenses so returned."

Section third, third line, strike out all after the word "licenses," down to the word "he," in the fourth line, and insert the words "for the ninth and tenth class of merchants, or any other licenses for the sale of wines and liquors than such as is provided in this act."

Section fifth, line third, before the word "inconsistent," insert the words "so far as they are," make the penalty in section three, six months imprisonment in the county jail and \$500 fine.

Mr. Garter, from the Committee on State Library, presented the following report :

MR. PRESIDENT:—The Committee on State Library, beg leave to report that by request of the Secretary of State, they have examined into the condition of the library, and find that it will be necessary to appropriate funds for the purpose of purchasing furniture and for the expenses incident to the late removal of the library, and herewith submit an act relating thereto.

E. L. SULLIVAN, Chairman.

Report accepted, and placed on general file.

Mr. Bell, chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred the bill entitled an act providing for the binding out of apprentices, clerks, and servants, beg leave respectfully to report that the committee unanimously recommend the passage of the bill, after some amendments, herewith submitted.

BELL, Chairman.

First amendment : eleventh section, third line, strike out "infant," and insert "minor."

Second amendment : strike out "section thirteen."

Third amendment : amend section fifteen, so as to read, "Section 15. This act shall take effect from and after its passage."

BELL, Chairman.

Mr. Bell, of the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred a bill entitled an act to change the name of William Wilson Smith to William Wilson Lawton, and a bill entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett, beg leave respectfully to report the bills back to the Senate with a unanimous recommendation that they pass.

BELL, Chairman.

Mr. Garter introduced a bill for an act amendatory of and supplemental to an act entitled an act for the government and protection of Indians, passed April 22, 1850.

Read first and second times and referred to the Committee on Public Morals.

Mr. Burch, by leave, introduced a bill entitled an act to authorize the changing of the names of persons.

Read first and second times, and referred to the Judiciary Committee.
Mr. Soule offered the following resolution, which was adopted :

Resolved, That the sergeant-at-arms allow Senator Melony the further sum of twenty-four dollars for errors in computing his mileage the past and present year.

JANUARY 25, 1858.

NOTICES.

Mr. Burch gave notice that he would at an early day introduce an act to amend section fifth of article second of an act concerning jurors, passed May 3, 1852.

Mr. Johnson of Sacramento, gave notice that he would, on some future day, introduce a bill to allow the State Treasurer to receive from the treasurer of the county of Sacramento, certain bonds and warrants received by him in payment for swamp lands.

Mr. Goodwin gave notice that on to-morrow, or some subsequent day, he would introduce a bill entitled an act to suppress gaming.

GENERAL FILE.

Senate concurrent resolution No. 16, relative to the printing of the report of the trustees and resident physician of the state insane asylum, was taken up, and the report of the committee adopted.

Mr. Melony presented the petition of certain distillers of liquors transacting business in San Francisco, praying for a repeal of the act creating the office of state gauger.

Which was read, and referred to the Committee on Agriculture.

GENERAL FILE RESUMED.

Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was, on motion, made the special order of the day for Wednesday, the 27th instant, at 12 o'clock.

Senate bill No. 49, an act to appropriate money for expenses of the state library, was read first and second times, and referred to the Committee on Public Expenditures.

Senate bill No. 30, an act providing for the binding out of apprentices, clerks, and servants, was considered in Committee of the Whole.

After some time so spent, the committee rose, reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Burch moved to further amend by striking out in section first, line first, the words, "male infant and every unmarried female under the age of eighteen years," and insert the words, "minor male or female," which was adopted.

On motion of Mr. Chase, the bill was made the special order for Monday next, February 1, at 12 o'clock.

Assembly bill No. 5, an act to change the name of William Wilson Smith to William Wilson Lawton, was read third time, and passed.

Assembly bill No. 39, an act entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett, was read third time, and passed.

On motion of Mr. Rogers, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, January 26, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent, Mr. Mesick.

Journals of yesterday read and approved.

On motion of Mr. Burch, indefinite leave of absence was granted to Mr. Merritt, on account of sickness.

Mr. Bell, chairman of the joint committee relative to examining the rooms and vaults of the state treasury, made the following report:

The special joint committee, whose duty it was made to examine into the condition of the rooms, and vault, and safe used by the Treasurer of State for the safe-keeping of the public money, respectfully submit the following report:

In accordance with the duty assigned them, your committee have closely inspected said rooms, and vault, and safe, and are unanimously agreed that they are entirely unfit for the uses and purposes to which they are applied, for the following reasons:

An entrance might easily, and in a very few moments, be effected from several different points to the outer room, in which the doorway leading into the vault is situated. This doorway is guarded by two thin, iron door-shutters, set in iron frames or casings. Your committee are satisfied, from the examination made, that these frames or castings might, by the active and expert use of a crow-bar, in a few minutes be entirely detached from the surrounding brick wall, so that they, together with the door-shutters, might be removed from their places, thus opening free ingress into the vault.

Another channel of forcible entrance into the vault might be easily effected by digging or tunneling for a distance of a few feet, and raising the floor of the vault, which consists of thin, pine boards, rather loosely laid down, and already decaying.

Your committee are of the opinion that the safe itself is of a good and substantial character, and in good condition.

The Treasurer, however, suggests, and in the opinion of your committee, with good reason, that the combination, or particular manner of using the keys for the purpose of locking and unlocking the safe be altered, the secret manner in which it is now done being known to several persons not connected with the treasury.

Your committee would respectfully recommend that the whole interior of the vault be lined with good boiler-iron, which should be so riveted together, and bolted to the walls, as to make it equally strong as if it were one solid piece.

Your committee would further recommend that the door-shutters between the outer room and the vault, together with their frames or casings, be made much heavier and stronger than at present, and perfectly fire-proof, which they now are not, and that the casings be securely bolted to the wall.

Your committee would further recommend that strong, iron cross-bars be placed in the windows of the outer room, and that the entire door be furnished with heavy movable iron bars.

And further, that the present bulk-heads, or partitions dividing the treasury rooms from the remainder of the first story of the building, be removed, and that the strongest and most secure partitions that the case demands be erected in their stead.

In conclusion, your committee would most respectfully offer the following joint resolution :

Resolved, By the Senate, the Assembly concurring, that his Excellency John B. Weller, the Secretary of State, and the Attorney General, the board of examiners, are hereby authorized and required to enter into contract with some competent workman or workmen, to the effect of having the foregoing recommendations contained in this report carried into speedy execution.

SAMUEL B. BELL,
Chairman of Senate Committee.
GEO. W. THOMAS,
Chairman of House Committee.

Report accepted, and placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Jan. 25, 1858. }

To the Senate of California :

I deem it proper to inform your honorable body, that under the joint resolution of January 31, 1850, I have appointed M. T. Brockelbank my private secretary.

JOHN B. WELLER, Governor.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have, on the 22d inst., passed Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California ;

Also, Senate bill No. 4, an act to authorize the board of supervisors, the auditor, and treasurer of the city and county of San Francisco, to allow and pay certain claims therein mentioned ;

And Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan, to sell and dispose of her real estate and chattels real, approved March 14, 1856 ;

And Assembly bill No. 25, an act to legalize certain records in the county of Tulare ;

And Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes ;

And Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer, to Addison Diffendaffer Martin.

J. W. SCOBEE, Assembly Clerk.

JANUARY 26, 1858.

Joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, was taken up, read first time, and laid over under the rules.

Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan, to sell and dispose of her real estate and chattels real, approved March 14, 1856, was taken up, read first and second times, and referred to the delegation from Yuba.

Assembly bill No. 25, an act to legalize certain records in the county of Tulare, was taken up, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes, was taken up, read first and second times, and referred to the delegation from the tenth district.

Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer, to Addison Diffendaffer Martin, was taken up, read first time, and laid over under the rules.

Mr. Anderson introduced a bill for an act concerning the office of county clerk of Placer county, which was read first and second times, and referred to the delegation from the seventeenth district.

Mr. Grant, by leave, presented a petition and the claim of James Smiley, asking reimbursement for labor performed and materials furnished, in the erection of a wall around Point San Quentin, which was read, and referred to the Committee on Claims.

Mr. Melony, by unanimous consent, moved to reconsider the vote by which the Senate, on the 22d inst., passed Senate concurrent resolution No. 17, relative to the appointment of a sufficient guard for the treasury of state.

Carried.

Mr. Melony then moved to amend by inserting "and to pay for the same out of the Treasurer's contingent fund," which was adopted.

On motion, the resolution as amended, was adopted.

Mr. Taliaferro offered the following resolution :

Resolved, That the Senate employ an official reporter, whose duty it shall be to keep a correct journal of the proceedings of the Senate, and also, a correct report of all the important debates, provided that said reports shall be published in one or more of the daily papers of this city free of charge to the state.

Mr. Carpenter moved to refer the resolution to the Committee on Contingent Expenses, which was lost.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Carpenter, Dickinson, and Gregory, and taken with the following result :

AYES—Messrs. Allen, Bell, Chase, Coulter, Ferguson of Sacramento, Grant, Johnson of Sacramento, Lewis, Melony, Soule, Sullivan, Taliaferro, and Thom—13.

NOES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Dickinson, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Pacheco, and Rogers—14.

So the resolution was lost.

The hour having arrived for the consideration of the special order of

the day—the Governor's message relative to the appointment of S. H. Brooks—was taken up.

Mr. Rogers moved that it be made the special order of the day for tomorrow, Wednesday, January 27, at 12 o'clock, M.

Mr. Burton offered an amendment to the motion of Mr. Rogers, which the president ruled out of order as an amendment.

The question being on the adoption of the motion of Mr. Rogers, was put and carried.

Mr. Thom offered the following resolution :

Resolved, That the sergeant-at arms be instructed to make an arrangement with the post-office department for the transmission of mail matter from the Senate, and that he open an account with said post-office, charging each senator equally with all others, in the making up of his account for newspaper postage.

Mr. Carpenter offered the following as a substitute :

Resolved, That the sergeant-at-arms be, and he is hereby, authorized and required, to open an account with each senator, paying to each in money, as he shall require, till his proportion of the whole appropriation be exhausted.

After debate, Mr. Carpenter moved to refer the resolution to the Committee on Contingent Expenses, which was lost.

Mr. Baker moved to lay the whole subject matter on the table, which was carried.

Mr. Griffith introduced a bill entitled an act defining the duties of the sheriffs and tax collectors of certain counties therein named, in the collection of taxes, which was read first and second times, and referred to the Committee on Finance.

Mr. Bell introduced a bill entitled an act repealing certain provisions contained in the act to regulate the interest of money, passed March 13, 1850, which was read first and second times, and referred to Judiciary Committee.

Mr. Taliaferro offered the following resolution, which was adopted :

Resolved, That the Committee on Mileage report the amount of mileage due the visiting committee to the state prison.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly on Friday, the 22d instant, adopted a resolution requesting the Comptroller and Treasurer of State to furnish certain information relative to the tule and overflowed lands within this state, and ask the concurrence of the Senate.

Also, have directed me to report to the Senate a copy of communication from the Attorney General upon the subject of a constitutional convention, responsive to a resolution of the House, requesting an opinion from him upon that subject.

J. W. SCOBEE, Assembly Clerk.

Assembly concurrent resolution relative to the tule and overflowed lands, taken up.

Mr. Burton moved to amend by striking out in line first the word "House," and insert the word "Assembly."

Carried.

On motion, the resolution was laid on the table.

Mr. Burton called for the reading of the communication of the Attorney General.

The president ruled that the communication not having been made by authority of the Senate, could not be received without consent of the Senate.

Mr. Burton moved that the communication be received.

Carried.

And then moved its reference the joint committee on constitutional convention question.

Mr. Baker moved to lay the communication on the table.

Mr. Griffith moved that the communication be read, which was carried.

The secretary proceeded to read, after which,

On motion of Mr. Baker, the communication was laid on the table.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 38, an act to confirm and legalize the tax list or assessment roll of the city and county of San Francisco for the fiscal year ending the thirtieth day of June, in the year eighteen hundred and fifty-eight, and to provide for the collection of delinquent taxes thereon, have had the same under consideration and report it back, with the following amendments :

First amendment : in the fourth line of the second section, strike out the word "Monday," and insert "Wednesday."

Second amendment : in the seventh line of section two, strike out the words, "to and including the following:" in the seventh line, insert, after the word "day," the words, "*twelve days, Sundays excepted*;" eighth line, strike out the word "Saturday."

Third section, eighth and ninth lines, strike out the words, "on the Monday following the expiration," and insert the words, "at the expiration of ten days after the last publication."

Sections five, six, seven, eight, and nine, are recommended to be added to the original bill, and with such amendments and additional sections, the passage of the bill is recommended.

S. H. CHASE, Chairman.

Assembly bill No. 38 was considered, amendments of the Judiciary Committee adopted, bill read third time, and passed.

Senate joint resolution, reported by special joint committee, was taken up, amended by striking out "joint," and inserting "concurrent," and, as amended, adopted.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have this day passed Assembly bill No. 46, an act to issue duplicates for certain lost war bonds.

J. W. SCOBAY, Assembly Clerk.

Assembly bill No. 46 was read first and second times, and referred to the Committee on Claims.

Mr. Rogers offered the following resolution, which was referred to the Enrolling Committee :

Resolved, That the enrolling clerk be allowed an assistant in the discharge of his duties.

Mr. Rogers offered the following resolution, which was also referred to the Enrolling Committee, with instructions:

Resolved, that the president of the Senate be and he is hereby authorized to audit the account of the assistant enrolling clerk from the time he commenced the discharge of his duties.

On motion of Mr. Melony, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec. Senate.

IN SENATE.

WEDNESDAY, January 27, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Burton presented the claims of Abner C. Hunter, Wm. F. Knox, and F. S. McKenzie, which were read, and referred to the Committee on Claims.

Mr. Grant presented the claim of John S. Love, for money expended on the state prison, which was read, and referred to the Committee on Claims.

Mr. Johnson of Sacramento, presented the petition of Justice Hovey, assignee for translating the laws of 1857 into the Spanish language, which was read and referred to the Committee on Claims.

Mr. Griffith presented the claim of the Pacific Express Company, which was read, and referred to the Committee on Claims.

Mr. Gregory made the following report:

MR. PRESIDENT:—Your Committee on Printing, would respectfully report, that they have had under consideration the report of the Surveyor General, and have ordered fifteen hundred copies printed, embracing in said order only what they deemed important portions of said document.

D. S. GREGORY,

Chairman of Senate Committee.

J. E. SHERIDAN,

Chairman of House Committee.

Report accepted, and placed on file.

Mr. Allen made the following report:

MR. PRESIDENT:—The Committee on Mileage report the following as the number of miles, as established by an act passed in 1854, from the state-house to the state prison, and returning therefrom, and the amount of mileage each member of the visiting investigating committee is entitled to for visiting the prison:

MEMBERS OF COMMITTEE.										MILES.	MILEAGE.
Goodwin,	-	-	-	-	-	-	-	-	-	310	\$62 00
Lewis,	-	-	-	-	-	-	-	-	-	310	62 00
Burton,	-	-	-	-	-	-	-	-	-	310	62 00

JANUARY 27, 1858.

J. ALLEN,
Of the Committee.

Mr. Thom, chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures, to whom was referred the statement of expenditures from the contingent fund of State Treasurer, from February 20th, 1857, to June 30th, 1857, made by James L. English, late State Treasurer, beg leave to report that the same has been examined, and is found to be correct.

All of which is respectfully submitted.

CAMERON E. THOM,
Chairman of Committee.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims have had under consideration Assembly bill No. 46, an act to authorize the issuance of duplicates for certain lost war bonds, and report the same back, and recommend its passage.

E. F. BURTON, Chairman.

Mr. Burton moved to suspend the rules, and consider the bill now, which was carried.

The bill was then read a third time, and passed.

Mr. Thom made a verbal report relative to certain accounts before the Committee on Public Expenditures, referring to clerical errors in the same, and asked and obtained leave to return the accounts to the late Secretary of State for correction.

Mr. Griffith reported verbally upon Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes, with certain amendments, recommending the same, and the passage of the bill when amended.

Report accepted, and, with bill, placed on general file.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 27, 1858. }

To the Senate of California:

The nomination of Samuel H. Brooks, Esq., to the office of Comptroller, having been made under a misapprehension of some material facts, is respectfully withdrawn.

JOHN B. WELLER, Governor.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy.

Also, Assembly bill No. 15, an act to locate the county seat of San Mateo county.

Also, concurred in Senate concurrent resolution, authorizing State Treasurer to employ guards, etc.

Adopted the report of the joint select committee relative to the security of the state treasury, together with the accompanying resolution.

And have appointed Messrs. Ely, Buel and Safford, committee of free conference on the part of the House, upon the disagreeing vote of the two Houses upon Senate amendment to Assembly joint resolution No. 1, in relation to a Pacific Railroad.

J. W. SCOBEEY, Assembly Clerk.

JANUARY 27, 1858

Assembly joint resolution No. 4, was taken up, read first and second times, and referred to Committee on Military Affairs.

Assembly bill No. 15, was taken up, read first and second times, and referred to the San Francisco and San Mateo delegations.

Mr. Grant, by leave, introduced a bill, entitled an act to amend an act concerning corporations, passed April 22, 1850, which was read first and second times, and referred to the Committee on Corporations.

SECOND READING OF BILLS.

Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin, was taken up, read second time, and referred to the Judiciary Committee.

Mr. Burch, by leave, introduced a bill entitled an act for the relief of James W. Denver, commissioner of the California war debt, which was read first and second times, and referred to the Committee on Claims.

Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, was taken up, read second time, and referred to the Committee on Public Lands.

Mr. Phelps introduced a bill, entitled an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county, which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Baker introduced a bill, entitled an act for the better observance of the Sabbath, which was read first and second times, and referred to the Committee on Public Morals.

Mr. Allen made the following report :

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856, have had the same under consideration, and report it back to the Senate, and recommend its passage.

J. ALLEN,
J. O. GOODWIN.

Report accepted, and, with bill, placed on file.

Mr. Carpenter introduced a bill entitled an act concerning chattel mortgages in this state, which was read first and second times, ordered printed, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly have this day adopted a resolution relative to the state prison lessee, and respectfully ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

JANUARY 27, 1858.

Assembly concurrent resolution relative to state prison lessee, taken up and concurred in.

Mr. Johnson, of El Dorado, moved to reconsider the vote by which the resolution introduced by Mr. Taliaferro, in relation to the appointment of an official reporter, was on yesterday lost.

Mr. Carpenter moved to indefinitely postpone the motion to reconsider.

Mr. Melony moved a call of the Senate, which was carried—absent Messrs. Rogers, Sullivan, Grant, Hamm, and Phelps.

Messrs. Rogers, Sullivan, and Grant, appearing at the bar of the Senate, were, on motion, admitted.

Mr. Melony moved to dispense with further proceedings under the call, which was carried.

The question being on Mr. Carpenter's motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Carpenter, Baker, and Anderson, and taken, with the following result :

AYES—Messrs. Anderson, Baker, Burton, Carpenter, Dickinson, Holden, and Pacheco—7.

NOES—Messrs. Allen, Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Hart, Johnson of Sacramento, Ketchum, Lewis, Melony, Rogers, Soule, Sullivan, Taliaferro, and Thom—21.

Johnson of El Dorado paired off.

So the motion to indefinitely postpone was lost.

The question, recurring on the motion to reconsider, was put, and carried.

The question being on the adoption of the resolution, Mr. Carpenter moved to amend by striking out the words "*one or more*," and inserting "*not less than three*," which was lost.

The resolution was then adopted.

Mr. Taliaferro offered the following resolution :

Resolved, That William Coates be and he is hereby appointed official reporter to the Senate.

Mr. Carpenter offered the following amendment as a proviso :

Provided, That all reporters who now have, or may hereafter be admitted to the rights and privileges of reporters in this body, without distinction of persons, presses, or politics, may take the oath, and receive the pay of official reporters, and that the name of " William Coates " be stricken out,

Which was lost.

The question, being on the adoption of the resolution, was put, and carried.

Mr. Thom made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures, to whom were referred accounts paid from the appropriation for lights and fuel;

Also, accounts paid from the appropriation for lights and fuel since January 1, 1858;

Also, accounts paid from contingent fund of state library;

Also, accounts paid from contingent fund of Secretary of State, all rendered and filed by David F. Douglass, late Secretary of State;

Beg leave to report that said accounts have been carefully examined, and are all found to be correct.

C. E. THOM, Chairman.

Report accepted, and placed on file.

On motion of Mr. Anderson, Mr. Coates, official reporter, came forward and took the oath of office, as administered by the Lieutenant Governor.

GENERAL FILE.

Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856, was read third time, and passed.

Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes, amendments of committee adopted, bill read a third time, and passed.

The report of the Committee on Mileage of State Prison Committee was taken up, and the report adopted.

Mr. Thom made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures, to which was referred an act to appropriate money for expenses of state library, beg leave to report the same back to the Senate, without amendment, and recommend that the same be passed.

C. E. THOM, Chairman.

Senate bill No. 51, an act to appropriate money for expenses of state library, was taken up, read a third time, and passed.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up.

Mr. Griffith moved to make the bill the special order of the day for Wednesday, February 3, at 12 o'clock, M., which was carried.

Mr. Baker, chairman of the joint committee on the constitutional convention, made a report. (See appendix.)

The Secretary proceeded to read, when, on motion of Mr. Chase, the further reading of the report was dispensed with. Mr. Chase then moved that three times the usual number of the report be printed.

Mr. Carpenter moved that the usual number be printed, which was accepted, and 240 copies were ordered printed.

Senate bill No. 56, an act to provide for a convention to revise and

change the constitution of this state, was taken up, and read first and second times.

Mr. Burton moved to make the bill the special order of the day for February 10th, at 12 o'clock, which was lost.

Mr. Melony moved to make the bill the special order for February 8th. Lost.

Mr. Lewis moved to make the bill the special order for Tuesday the 16th day of February, at 12 o'clock, which was carried.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

THURSDAY, January 23, 1856.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Rogers, of the Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrollment, on yesterday, at two o'clock, presented to his Excellency, the Governor, for his approval, an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrill.

GEO. H. ROGERS, of the Committee.

Mr. Burton presented the account of H. W. Larkin, for services as expert to board of examiners, which was read, and referred to the Committee on Claims.

Mr. Johnson, of Sacramento, presented the petition of I. & S. Wormser, which was read, and referred to the Committee on Claims.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the account of James Anthony & Co., for newspapers, amounting to \$49 87, and believe it to be correct. We therefore recommend that it be paid out of the contingent fund.

BAKER, Chairman.

Report accepted, and placed on file.

INTRODUCTION OF BILLS.

Mr. Ferguson of Sierra introduced a bill entitled an act for the relief of William Ford, late sheriff of Sierra county, which was read first and second times, and referred to the Committee on Claims.

Mr. Tallafiero introduced a bill entitled an act regarding the importation and preparation of drugs and medicines, which was read first and second times, and, on motion, was referred to a special committee consisting of the physicians of the Senate.

Mr. Dickinson introduced a bill for an act amendatory of and supple-

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on January 27, passed Assembly bill No. 44, an act to ascertain the amount of indebtedness of Alameda county to Contra Costa county, and to provide for the payment thereof.

Also, on the 28th January, Senate bill No. 24, an act concerning lawful fences in Marin county.

Also, on the same day, concurred in Senate concurrent resolution No. 18, relative to engaging workmen to repair vaults and rooms of the office of State Treasurer.

Also, concurred in Senate amendments to Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes.

Also, to Assembly bill No. 38, an act to confirm and legalize the tax list and assessment roll of the city and county of San Francisco for the fiscal year ending June 30, 1858, and to provide for the collection of delinquent taxes thereon.

J. W. SCOBEE, Assembly Clerk.

Assembly bill No. 48, was read first and second times, and referred to the delegations from Alameda and Contra Costa.

Mr. Phelps introduced a bill entitled an act concerning marks and brands, which was read first and second times, and referred to Committee on Agriculture.

Mr. Thom introduced a bill for an act entitled an act fixing the salary of the district judge of the first judicial district, which was read first and second times, and referred to the Committee on Public Expenditures.

Mr. Berry introduced a bill for an act to reimburse John Q. Brown, E. E. Eyre, J. H. Culver, and John Arnold, for amounts of money paid by them on account of rent of the state armory, which was read first and second times, and referred to the Committee on Claims.

Mr. Soule, by leave, introduced a bill for an act for the relief of the late jail-keepers in the city and county of San Francisco, which was read first and second times, and referred to the San Francisco delegation.

Mr. Johnson of El Dorado introduced a bill entitled an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, which was read first and second times, and referred to the Judiciary Committee.

Mr. Johnson of El Dorado introduced a bill for an act for the authentication of certain records, which was read first and second times, and referred to the Judiciary Committee.

Mr. Taliaferro, by leave, introduced a bill entitled an act to confirm and legalize the tax list or assessment roll of the county of Marin, for the fiscal year ending the 30th day of June, A. D. 1858, and to provide for the collection of delinquent taxes thereon, which was read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Ketchum introduced a concurrent resolution relative to the establishment of a mail route from Sacramento city to the town of Voleano, in the county of Amador, which was read, and adopted.

NOTICES OF BILLS.

Mr. Phelps gave notice that he would, on to-morrow, introduce a bill

for an act to extend and better define section two hundred and nineteen of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state.

Mr. Griffith gave notice that he would, on to-morrow, introduce a bill for the payment of A. J. F. Phelan for services rendered by him as clerk of the state board of war commissioners.

GENERAL FILE.

Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, with amendments reported by committee, was considered, amendments adopted, bill read a third time, and passed.

Senate bill No. 40, an act to repeal an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857—

Recommended by committee to be indefinitely postponed.

The question, being on adopting the recommendation of the committee, was, after much debate, put and carried.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Jan. 28, 1858. }

To the Senate of California:

I have this day approved an act concerning evidence in certain cases.

JOHN B. WELLES, Governor.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

And an act entitled an act to amend an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1853," passed April 30, 1855, were taken up, and, on motion of Mr. Thom, referred to the Committee on Manufactures."

On motion of Mr. Melony, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, January 30, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Mr. Coulter asked leave of absence for Mr. Hart, for an indefinite period, which was granted.

Mr. Burch asked leave of absence for Mr. Griffith for one day. Granted.

Mr. Johnson of El Dorado asked leave of absence for Mr. Tadiaterro for one day.

Journals of yesterday read and approved.

Mr. Berry presented a petition from the supervisors of Siskiyou county, praying for an amendment to the revenue law, which was read, and, on motion, laid on the table.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 50, entitled an act to authorize the changing of the names of persons, and find the same correctly engrossed.

WM. T. LEWIS.

Report accepted, and, with bill, placed on file.

Mr. Baker, chairman of Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses have examined the account of Henry Shipley & Co., amounting to \$52, for State Journals furnished senators, and believe the same to be correct. We, therefore, recommend its payment from the contingent fund.

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Anderson, chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 57, an act to amend an act entitled an act concerning corporations, passed April 22, 1850, have had the same under consideration, and instruct me to return the bill with the following amendment, and recommend its passage, when so amended.

Amendment: Strike out the word and figures, "article 79," in the first line of section 1. Also, the word and figure, "chapter 8," on said first line and second lines.

JAS. ANDERSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker presented the accounts of W. F. Knox and J. P. Muldoon, for repairing water-closets, which was read, and referred to Committee on Claims.

Mr. Lewis, chairman of the Engrossing Committee, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 43, entitled an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale, and find the same correctly engrossed.

W. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ferguson of Sacramento, chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 59, have had the same under consider-

ation, and respectfully recommend its passage, with the following amendments:

Amend section first, by adding at the end thereof the following words: "*Provided further*, that said wharf shall be completed in one year from the passage of this act." Also add after the word "it," on the seventh line of section second, the following words: "to be used for the purpose of a free ingress and egress of water craft to and from said wharf."

W. I. FERGUSON, Chairman.

Mr. Pacheco made the following report:

MR. PRESIDENT:—The delegation from San Luis Obispo and Santa Barbara, to whom was referred Senate bill No. 45, an act entitled an act to change and fix the official bonds of certain officers in the county of San Luis Obispo, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend the passage of the bill, when so amended.

ROMALDO PACHECO.

Amendments proposed to Senate bill No. 45:

First—In the first line of the title, strike out the words, "an act entitled," and in the second line of the same, after the words "fix the," insert "amounts of the."

Second—In second line of the enacting clause, strike out the word "the."

Third—In first section after the word "Obispo," in the third line, insert "and who;" and in the fourth line of the same strike out the word "county," and insert in place thereof the words "state of California;" and in the sixth line of said section strike out the word "for," and insert "shall give."

Fourth—In the third line of section second, strike out the words, "to the county," and in the fourth line after the word "bonds," insert "in form payable to the state of California," and in the same line, after the word "of," insert "the duties of;" make the word "office," in the fifth line, read "offices."

Fifth—Add to the repealing clause, the words, "so far as the same apply to the county of San Luis Obispo."

Sixth—Strike out section four.

Report accepted, and, with bill, placed on file.

Mr. Burton, by leave, introduced a bill, entitled an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps introduced a bill, entitled an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, which was read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, introduced a bill entitled an act for the relief of the Mountain Lake Water Company, which was read first and second times, and referred to the Committee on Corporations.

Mr. Holden gave notice that he would, at an early day, introduce a bill to establish a state land office.

Mr. Mesick introduced the following resolution:

Resolved, That the Committee on Claims be authorized to employ a clerk.

Which was adopted.

Mr. Ferguson of Sacramento, asked leave of absence for Mr. Chase for one day, which was granted.

GENERAL FILE.

Senate bill No. 50, an act to authorize the changing of the names of persons, was read third time.

The question being upon the final passage of the bill, the ayes and noes were demanded by Messrs. Gregory, Burch, and Mesick, and taken, with the following result:

AYES—Messrs. Burton, Carpenter, Dickinson, Gregory, Hamm, Holden, Merriitt, Phelps, Rogers, and Soule—10.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Grant, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Mesick, Pacheco, and Thom—18.

So the Senate refused to pass the bill.

Mr. Burch gave notice that on Monday he would move to reconsider the vote just taken.

Senate bill No. 43, an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale, was read third time, and passed.

Senate bill No. 53, an act defining the duties of the sheriffs and tax collectors of certain counties therein named, in the collection of taxes, was considered in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed and read a third time.

Senate bill No. 59, an act to authorize James G. Denniston, to construct a wharf at Half Moon Bay, in San Mateo county, considered in Committee of the Whole.

IN SENATE.

Amendments of committee adopted.

Mr. Phelps moved to strike out in the enacting clause the word "the," after the word "in," in line first, which was carried.

And on motion of Mr. Phelps, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 45, an act to change and fix the official bonds of certain officers in the county of San Luis Obispo, considered in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read a third time.

Senate bill No. 57, an act to amend an act entitled an act concerning

corporations, passed April 22d, 1850, considered in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read third time.

The report of the Committee on Contingent Expenses was adopted.

Mr. Melony presented the account of Augustin Ainsa, for translating the Laws of 1856 into the Spanish language, which was referred to the Committee on Claims.

Mr. Mesick presented the petition of Mrs. Mary Bowie, praying for relief, for supplies furnished the state prison by her late husband, in the year 1855, which was referred to the Committee on Claims.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 27th January, passed Assembly bill No. 36, an act to repeal the sixty-ninth section of an act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in courts of justice in this state;

Also, Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28th, 1857;

Also, on the 28th January, Assembly bill No. 68, an act to provide for the payment of the debt of Humboldt county that existed upon the 31st day of December, 1857;

Also, on this day, passed Senate bill No. 65, an act to confirm and legalize the tax list or assessment roll of the county of Marin, for the fiscal year ending June 30th, 1858, and to provide for the collection of delinquent taxes thereon.

J. W. SCOBEEY, Clerk.

JANUARY 30, 1858.

Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28th, 1857, was taken up, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 36, an act to repeal the sixty-ninth section of an act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, was taken up, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 68, an act to provide for the payment of the debt of Humboldt county that existed upon the 31st day of December, 1858, was taken up, read first and second times, and referred to the delegation from Humboldt.

On motion of Mr. Ketchum, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

MONDAY, February 1, 1858.

Senate met pursuant to adjournment.
President in the chair.

Roll called.

Journals of Saturday read and approved.

PETITIONS.

Mr. Baker presented the petition of citizens of Michigan City, in the county of Placer, praying the enactment of a Sunday law, which was read, and referred to the Committee on Public Morals.

Mr. Chase presented the petition of citizens of Grass Valley, Nevada county, praying the enactment of a Sunday law, which was referred to the Committee on Public Morals.

Mr. Garter presented petitions from citizens of Shasta and Tehama counties, praying the repeal of so much of the act concerning crimes and punishments, passed April 16, 1850, as disqualifies negroes and mulattoes from giving evidence against white persons, which were read, and referred to the Judiciary Committee.

Mr. Johnson of El Dorado, chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt for the purpose of establishing a military academy, have had the same under consideration, and beg leave to report the same back, without recommendation, for the consideration of the Senate.

S. M. JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Senate bill No. 58, an act for the relief of James W. Denver, commissioner of the California war debt, report the same back, with a substitute, and recommend the passage of the substitute.

E. F. BURTON.

Report accepted, and, with bills, placed on file.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following bills of John O'Meara, find the same correct, and recommend their payment from appropriation for public printing:

For printing 100 copies of Standing Committees,	-	-	-	\$7 50
For printing 1000 Roll-Calls, for Senate,	-	-	-	7 50
For printing 250 Roll-Calls for Senate, large,	-	-	-	5 00
Total,	-	-	-	\$20 00

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Anderson, from the Placer delegation, made the following report:

MR. PRESIDENT:—The delegation from Placer, to whom was referred Senate bill No. 52, an act concerning the office of county clerk of Placer county, have considered the same, and herewith return the bill, recommending its passage, without amendment.

J. H. BAKER,
JAMES ANDERSON.

Report accepted, and, with bill, placed on file.
The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day passed Senate bill No. 72, an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

FEBRUARY 1, 1858.

Senate bill No. 72, Assembly amendments concurred in.
The following message was read:

MR. PRESIDENT:—The Assembly, on Saturday last, passed Senate bill No. 9, an act to separate the office of county recorder, and county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk, in the county of Placer;

Also, Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852;

Also, Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county;

Also, Assembly bill No. 42, an act to amend an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, passed April 19th, 1856;

Also, Assembly bill No. 81, an act concerning lawful fences in the county of Contra Costa;

Also, concurred in Senate concurrent resolution relative to the establishment of a mail-route from the city of Sacramento to the town of Volcano, in the county of Amador, with an amendment, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

FEBRUARY 1st, 1858.

Senate bill No. 9, Assembly amendments concurred in.

Assembly bill No. 30, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 32, was read first and second times, and referred to the delegation from Klamath.

Assembly bill No. 42, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 81, was read first and second times, and referred to the delegation from Contra Costa.

Senate concurrent resolution No. 20, Assembly amendments concurred in.

Mr. Burton, by leave, introduced a bill entitled an act to authorize the State Treasurer to endorse certain warrants, which was read first and second times, and referred to the Judiciary Committee.

Mr. Phelps introduced a bill entitled an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29th, 1857, which was read first and second times, and referred to the Finance Committee.

Mr. Merritt, by leave, introduced a bill entitled an act to amend an act to regulate fees in office, approved April 10th, 1855, which was read first and second times, and on motion of Mr. Merritt, the rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Ferguson of Sacramento, introduced a bill entitled an act to release B. S. Gray from liability to the state of California on certain bonds, which was read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, introduced a bill for an act to authorize the district attorney of the city and county of San Francisco to appoint an assistant, and to fix his salary, which was read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, introduced a bill for an act to amend an act entitled an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct the auditing of certain claims therein mentioned, approved April 27, 1856, which was read first and second times, and referred to the delegation from San Francisco.

Mr. Carpenter gave notice that he would, at an early day introduce a bill for an act to provide for the construction of a wagon road in the county of El Dorado, and to authorize the supervisors of said county to levy a special tax for that purpose.

Mr. Ferguson of Sacramento, offered the following concurrent resolution :

Resolved, By the Senate, the Assembly concurring, that our senators in Congress be and are hereby instructed, and our representatives requested to oppose the admission of the territory Kansas into the Union, as a state, under the Lecompton constitution, until the same, in its entirety, shall have been submitted to the people of the territory for their final action.

Resolved, That his Excellency the Governor, be requested to transmit a copy of these resolutions to each of our senators and representatives in Congress.

Mr. Burch offered the following, as a substitute :

Resolved, By the Senate, the Assembly concurring, that the views of President Buchanan on the so-called Kansas question, as expressed in his recent message, are in accordance with the Democratic doctrine of popular sovereignty.

Resolved, That in the recommendation of the President that Kansas be admitted into the Union under the Lecompton constitution, we recognize an earnest and commendable desire on his part to remove from Congress the further agitation of the slavery question ; and to encourage in our senators and congressmen that non-interference with the domestic institutions of the country, which, by our federal constitution, is guaranteed to the states and the people.

Resolved, That the Governor be requested to send copies of these resolutions to our senators and congressmen.

Mr. Chase offered the following :

Resolved, By the Senate, the Assembly concurring, that our representatives in Congress be requested, and our senators instructed, to vote for any bill authorizing the admission of Kansas into the Union as a state, under the Lecompton constitution, which shall embrace substantially the following principles, and make them the express conditions of such admission :

1. That the question of slavery shall be submitted, at an early day after such admission, to the legal voters of Kansas, for them to determine whether slavery shall or shall not be tolerated in the state, such vote to be binding and conclusive upon the state, and to be part of the constitution, until changed.

2. That a convention be called by the act authorizing the admission of Kansas, or that said act authorize the Legislature of Kansas at any time to call a convention to amend, revise or entirely change the constitution, known as the Lecompton constitution, if Kansas is admitted under such constitution.

Mr. Ferguson of Sacramento, moved to make the resolutions the special order of the day for Friday, February 12, 1858, at 12 o'clock, which was carried.

In accordance with notice previously given, Mr. Burch moved to reconsider the vote by which the Senate, on the 30th ult., refused to pass Senate bill No. 50, an act to authorize the changing of the names of persons.

Mr. Anderson moved to lay the motion to reconsider on the table.

Carried.

GENERAL FILE.

Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt for the purpose of establishing a military academy, was, on motion of Mr. Gregory, laid on the table.

Senate bill No. 58, an act for the relief of Jas. W. Denver, commissioner of the California war debt, substitute reported by committee adopted, and on motion of Mr. Burton, rules suspended, bill considered engrossed, read a third time, and passed.

Report of the Committee on Contingent Expenses, relative to bills of the State Printer, was taken up, amended, and as amended, adopted.

Senate bill No. 52, an act concerning the office of county clerk of Placer county, was considered.

On motion of Mr. Anderson, the rules were suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day Senate bill No. 30, an act providing for the binding out of apprentices, clerks, and servants, was taken up, and on motion of Mr. Chase, laid on the table.

Mr. Chase moved to take from the table Senate bill No. 48, an act to authorize Andrew J. Moulder, Jas. Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers and issue certain bonds, which was carried.

Amendments of Judiciary Committee adopted, and bill ordered engrossed, and read a third time.

Mr. Lewis moved to adjourn, which was lost.

On motion of Mr. Merritt, Senate bill No. 14, an act concerning divorces, was taken from the table, and, on motion of Mr. Chase, was considered in Senate.

After much debate, on motion, the bill was indefinitely postponed.

Mr. Bell, by leave, introduced a bill entitled an act repealing all acts and parts of acts relating to divorces, which was read first and second times, and referred to the Committee on Public Morals.

Mr. Carpenter gave notice that he would, on to-morrow, move to reconsider the vote by which the Senate passed substitute for Senate bill No. 58, an act for the relief of James W. Denver, commissioner of the California war debt.

On motion of Mr. Ferguson of Sacramento, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, February 2, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

On motion of Mr. Burch, leave for one day was granted Mr. Griffith.

REPORTS.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 24, entitled an act concerning lawful fences in Marin county.

GEO. H. ROGERS, of the Committee.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 65, an act entitled an act to confirm and legalize the tax list or assessment roll of the county of Marin for the fiscal year ending June 30, 1858, and to provide for the collection of delinquent taxes thereon.

Also, Senate bill No. 72, an act entitled an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds, and find the same correctly enrolled.

E. GARTER, Chairman.

Mr. Garter made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills presented to the Governor, for his approval, on the first day of February, 1858, at 3 o'clock, P. M., Senate bill No. 65.

E. GARTER, Chairman.

Mr. Ferguson of Sierra presented the claim of R. G. Crozier, for supplies furnished state prisoners, which was referred to the Committee on Claims.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 71, an act to amend section 20 of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, have had the same under consideration, and recommend its passage as amended.

Section first—eighth line: Amend by inserting "any" between "or" and "one"; same line, "may" before "reside"; fifteenth line, after "complaint," insert "and if any defendant or defendants may be about to depart from the state, such action may be tried in any county where either of the parties may reside or service be had."

Senate bill No. 75, an act to release B. S. Gray from liability to the state of California on certain bonds, and recommend its passage.

Also, Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857, and recommend its passage, without amendment.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Burch, chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee upon Swamp and Overflowed Lands having been instructed to inquire into the manner in which the provisions of an act entitled an act to provide for the construction of canals, etc., passed April 11, 1857, were being complied with; have had the same under investigation, and beg leave to report an act to repeal said act of April 11, 1857, and recommend its passage.

Your committee are satisfied, from what they have been able to learn upon the subject, that however praiseworthy the objects sought to be secured by the act of 11th April, 1857, may have been, the provisions of the act are wholly inadequate thereto. The proposition to render the canals named in the act navigable, is wholly impracticable, and the means, up to this time, used to reclaim the swamp lands mentioned, are insufficient.

Your committee are of the opinion, that if the intentions of the act have not already been lost sight of, that there are not sufficient guards to enforce such compliance with it, as will render to the state any equivalent whatever for the lands granted.

Your committee are informed that the company have already commenced disposing of the lands of the state, without having reclaimed any of them, or making that commencement which is contemplated by the act, and have set up a claim to other lands than was intended to be granted.

Your committee believe that all the rights, privileges, and grants of

land, by the act aforesaid conferred, are forfeited, and have so declared in the act herewith reported.

Beliving that the best interests of the state will be subserved thereby, we hope the bill herewith reported may become a law.

JOHN C. BURCH,
S. A. MERRITT,
G. J. CARPENTER,
JAMES ANDERSON.
JOSIAH JOHNSON.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom was referred the petition of B. F. Hastings, have had the same under consideration, and have instructed me to report the accompanying bills.

E. F. BURTON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined the following bills :

Senate bill No. 59, entitled an act to authorize James Denniston to construct a wharf at Half Moon Bay, in San Mateo county ;

Senate bill No. 57, entitled an act to amend an act entitled an act concerning corporations, passed April 22, A. D. 1850 ;

Senate bill No. 53, entitled an act defining the duties of the sheriffs and tax collectors of certain counties therein named, in the collection of taxes ;

Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo ;

And find them correctly engrossed.

W. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Merritt, of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, beg leave to report the same back, and recommend its passage, with an amendment.

MERRITT, from Committee.

Report accepted, and, with bill, placed on file.

Mr. Berry made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county, ask leave to report the same back, and recommend its passage.

J. BERRY, Twelfth District.

Report accepted, and, with bill, placed on file.

Mr. Goodwin, chairman of the committee to visit the state prison, made a joint report.

The secretary proceeded to read, when, on motion of Mr. Chase, the further reading was dispensed with, and the usual number of copies ordered printed. (See appendix).

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 1, 1858. }

To the Senate of California:

I have this day approved an act to confirm and legalize the tax list or assessment roll of the county of Marin for the fiscal year ending the 30th day of June, A. D. 1858, and to provide for the collection of delinquent taxes thereon.

JOHN B. WELLER, Governor.

FIRST READING OF BILLS.

Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11th, 1857, reported from the Committee on Swamp and Overflowed Lands, with a recommendation that it pass, was taken up and read first and second times.

On motion of Mr. Merritt, the rules were suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, after much debate, the ayes and noes were demanded by Messrs. Mesick, Pacheco, and Goodwin, and taken with the following result: ayes, 12; noes, 18.

AYES—Messrs. Anderson, Berry, Burch, Burton, Carpenter, Ferguson of Sierra, Johnson of Sacramento, Lewis, Merritt, Pacheco, Rogers, and Thom—12.

NOES—Messrs. Allen, Baker, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Holden, Johnson of El Dorado, Ketchum, Mesick, Phelps, Soule, and Sullivan—18.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 48, entitled an act to authorize A. J. Moulder, James Van Ness, and Wm. McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board examiners, to sign certain papers and issue certain bonds, and find the same correctly engrossed.

WM. T. LEWIS,
Chairman of Engrossing Committee.

Report accepted, and, with bill, placed on file.

Mr. Johnson of Sacramento, introduced a bill entitled an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory of and supplementary thereto, and to incorporate the city and county of Sacramento, which was read first and second times, referred to the Sacramento delegation, and on mo-

tion of Mr. Johnson of Sacramento, two hundred and forty copies ordered printed.

Mr. Gregory asked leave of absence for the balance of the day, which was granted.

Mr. Sullivan introduced a bill for an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, which was read first and second times, and referred to the San Francisco delegation.

Mr. Soule, by leave, introduced a bill entitled an act to further extend the act concerning corporations, passed April 22, 1850, which was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

FEBRUARY 2, 1858.

MR. PRESIDENT :—The Assembly on yesterday passed Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes ;

Also, Assembly bill No. 66, an act to consolidate the several acts, concerning the places of residence of county judges ;

Also, Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2, 1857 ;

Also, Senate bill No. 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20th, 1850 ;

Also, Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17, 1850 ;

Also, Senate joint resolution No. 16, relative to memorial of Oliver Evans Wood's "Suspended Letter List.

J. W. SCOBEEY, Clerk.

Assembly bill No. 58, was read first and second times, and referred to the delegation from Santa Cruz.

Assembly bill No. 66, was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 88, an act to fix the compensation of the county assessor of Alameda county.

J. W. SCOBEEY, Clerk.

Assembly bill No. 88, was read first and second times, and referred to the delegation from Alameda.

The following message was received from the Assembly.

MR. PRESIDENT :—The Assembly, on yesterday, indefinitely postponed Senate bill No. 51, an act to appropriate money for expenses of state library.

J. W. SCOBEEY, Clerk.

Pursuant to notice, Mr. Carpenter moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 58, an act for the

relief of James W. Denver, commissioner of the California war debt, which was carried.

Mr. Burton moved to reconsider the vote by which the bill passed to its third reading, which was also carried.

Mr. Burton then offered the following amendment :

Strike out the first section of the bill, and insert the following :

Section first—The claim of James W. Denver, as one of the board of commissioners of the California war debt, for services rendered prior to January 1, 1857, for the sum of one thousand five hundred dollars, is hereby audited and allowed.

Adopted.

Mr. Burton moved to strike out section second of the bill.

Carried.

Mr. Burton then moved to amend the title of the bill, by striking out the words, "for the relief," and insert the words, "to audit the claim."

Carried.

The bill was then ordered engrossed, and read a third time.

Mr. Ferguson of Sacramento, gave notice that he would, at an early day, introduce a bill amendatory of the act relative to insurance companies.

GENERAL FILE.

Senate bill No. 57, an act to amend an act entitled an act concerning corporations, passed April 22, 1850, was read third time, and passed.

Senate bill No. 53, an act defining the duties of the sheriffs and tax collectors of certain counties therein named in the collection of taxes, was taken up, read third time, and passed.

Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo, was taken up, read a third time, and passed.

Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers and issue certain bonds, was taken up, read third time, and passed.

Senate bill No. 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was taken up, and considered as in Committee of the Whole, pending which, Mr. Mesick moved to adjourn, which was lost.

IN SENATE.

Amendments of Committee of the Whole concurred in.

Mr. Ferguson of Sacramento moved to make the bill the special order for Thursday next, at 12 o'clock, M., which was carried.

Senate bill No. 75, an act to release B. S. Gray from liability to the state of California, was taken up, and considered as in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read third time.

Assembly bill No. 62, an act to amend an act entitled an act to regu-

late fees in office in certain counties, passed April 28, 1857, was taken up, read third time, and passed.

Senate bill No. 86, entitled an act for the relief of B. F. Hastings, reported by the Committee on Claims, was read first and second times.

Mr. Bell moved to refer the bill to the Committee on Public Expenditures, which was lost, and the bill was then placed on file.

Senate bill No. 87, an act to audit the claim of B. F. Hastings, was read first and second times.

Mr. Bell moved to refer the bill to Committee on Public Expenditures, which was lost, and the bill was placed at the foot of the calendar.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, February 3, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

PETITIONS.

Mr. Gregory presented the petition of citizens of Santa Cruz, praying for the enactment of a Sunday law, which was referred to the Committee on Public Morals.

Mr. Johnson of El Dorado, presented the petition of citizens of El Dorado county, relative to the repeal of all laws in this state prohibiting negroes and mulattoes from giving testimony against white persons, which was referred to the Judiciary Committee.

Mr. Bell presented the claim of S. H. Wetherbee, public notary, for notarial services at the state prison, which was read and referred to the Committee on Claims.

Mr. Mesick presented the claim of Rivett & Co., for work, etc., which was referred to the Committee on Claims.

REPORTS.

Mr. Anderson, chairman of the Committee on Corporations, made a verbal report on Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, and recommended that the bill be referred to the Judiciary Committee.

Report accepted, and bill so referred.

Mr. Carpenter moved that the committee be instructed to report the bill back to-morrow, February 4th, which was carried.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 58, entitled an act to audit the claim of J. W. Denver, and find the same correctly engrossed.

W. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Committee on Enrollment, on yesterday, presented to his Excellency the Governor, a bill concerning lawful fences in the county of Marin ;

Also, a bill supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29th, 1858.

GEO. H. ROGERS, of the Committee.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the following report :

MR. PRESIDENT :—The San Francisco and San Mateo delegation, to whom was referred Assembly bill No. 15, an act to locate the county seat of San Mateo county, report the same back, without amendment, and recommend its passage.

T. G. PHELPS, for the delegation.

Report accepted, and, with bill, placed on file.

Mr. Goodwin, chairman of the Committee on State Prison and Public Buildings, reported back Senate bill No. 12, an act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison buildings about to be erected at the state prison at San Quentin, and recommended that the bill be referred to the Committee on Claims.

Report accepted, and recommendation of committee concurred in.

The president announced a communication from the Superintendent of Public Instruction, giving an account of the expenditures of the contingent fund of his office, which the Secretary proceeded to read, when, on motion of Mr. Burton, the further reading of the communication was dispensed with, and the account referred to the Committee on Public Expenditures.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Senate bill No. 52, an act concerning the office of county clerk of Placer county ;

Also, adopted Assembly concurrent resolution directing the Secretary of State to purchase stationery.

J. W. SCOBEE, Assembly Clerk.

Assembly concurrent resolution relative to the purchase of stationery, was taken up, and referred to the Committee on Public Expenditures.

Mr. Burton, by leave, introduced a bill entitled an act to amend an act entitled an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855, was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Gregory moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857, which was carried.

Mr. Ferguson of Sacramento moved to lay the bill on the table, which was carried.

Mr. Merritt in the chair.

GENERAL FILE.

Senate bill No. 58, an act to audit the claim of J. W. Denver, was read a third time, and passed.

Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, was ordered engrossed, and read a third time.

Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county, was read third time, and passed.

Senate bill No. 86, an act for the relief of B. F. Hastings, was considered as in Committee of the Whole.

Committee rose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed, and read a third time.

Mr. Lewis, chairman of the Engrossing Committee, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 75, entitled an act to release B. S. Gray from liabilities to the state of California on certain bonds, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Senate bill No. 75, was read a third time, and passed.

Senate bill No. 87, an act to audit the claim of B. F. Hastings, was considered as in Committee of the Whole, and reported back, without amendment.

IN SENATE.

Bill ordered engrossed, and read a third time.

Assembly bill No. 15, an act to locate the county seat of San Mateo county, was read a third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up and considered as in Committee of the Whole.

Mr. Carpenter in the chair.

After much discussion upon the bill, the president resumed the chair.

Mr. Rogers moved to adjourn, which was lost.

The bill was then made the special order for Friday, February the 5th, at 12 o'clock, M.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 75, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856.

J. W. SCOBEEY, Clerk.

FEBRUARY 3, 1858.

Assembly bill No. 75, an act to extend the provisions of an act concerning hogs, was read first and second times, and referred to the Committee on Agriculture.

Mr. Carpenter, by leave, introduced a bill for an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose, which was read first and second times, and referred to the El Dorado delegation.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec. Senate.

IN SENATE.

THURSDAY, February 4, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred the claim of H. W. Larkin, an expert to board of examiners, have had the same under consideration, and report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Anderson, chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The undersigned, members of the Committee on Corporations, to whom was referred Senate bill No. 6, have had the same under consideration, and respectfully submit, as the majority report of said committee, the following report:

The committee are of the opinion that the amendments, proposed in this bill, to the general corporation laws of this state, will confer upon persons, acting in a corporate body, powers superior and exclusive to any that the citizen *can* exercise, being no less than the power to take private property from the legitimate owner and possessor for private purposes.

We believe the bill is, in that respect, in conflict with that constitutional right which obtains in all liberal and just governments, and which forbids,

under any circumstances, private property to be taken for other than public uses. We, therefore, recommend the indefinite postponement of the bill.

JAMES ANDERSON, Chairman,
WM. T. LEWIS,
G. J. CARPENTER.

Report received, and, on motion of Mr. Merritt, ordered to lay on the table until the reception of the minority report.

Mr. Rogers, of the delegation from Tuolumne, made the following report :

MR. PRESIDENT :—The delegation from Tuolumne, to whom was referred Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, report the same back, without amendment, and recommend its passage.

GEO. H. ROGERS.

Report accepted, and, with bill, placed on file.

Mr. Bell made a verbal report on Assembly bill No. 88, an act to fix the compensation of the county assessor of Alameda county, recommending the passage of the bill.

Report accepted, and bill placed on file.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22d, 1857.

Also, adopted Assembly concurrent resolution relative to state-house and supervisors of Sacramento county, and have appointed Messrs. Ferguson, Hill of Sierra, and McCoy, on the part of the House, and ask the concurrence of the Senate.

J. W. SCOBEEY, Assembly Clerk.

Assembly bill No. 56 was read first and second times, and referred to the Nevada delegation.

Assembly concurrent resolution relative to state-house and board of supervisors of Sacramento, was concurred in.

FIRST READING OF BILLS.

Senate bill No. 95, an act to audit the claim of H. W. Larkin, reported from Committee on Claims, was read first and second times, and placed on calendar.

Mr. Anderson, by leave, introduced a bill, an act to amend an act entitled an act concerning the courts of justice of this state, and judicial officers, passed May 19, 1853, which was read first and second times, and referred to the Judiciary Committee.

Mr. Anderson, by leave, introduced a bill for an act to amend an act entitled an act to regulate proceeding in civil cases in the courts of justice of this state, passed April 29, 1851, which was read first and second times, and referred to the Judiciary Committee, and two hundred and forty copies ordered printed.

Mr. Johnson of Sacramento introduced a bill entitled an act concerning

county treasurers, which was read first and second times, and referred to the Committee on Finance.

Mr. Sullivan, by leave, introduced a bill entitled an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852, which was read first and second times, and referred to the Judiciary Committee.

Mr. Garter, by leave, introduced a bill entitled an act to establish the legal distances from the county seat of Tehama county to the capitol, lunatic asylum, and state prison, which was read first and second times.

Mr. Burton moved that the bill, together with so much of the Governor's message as relates to mileage, be referred to the Committee on Mileage, which was carried.

Mr. Burton offered the following resolution, which was adopted :

Resolved, That all persons holding evidences of indebtedness against the state of California, required to be audited by the present Legislature, whether in the form of Comptroller's warrants or otherwise, be requested to present the same to the Legislature prior to the first day of March, 1858.

Mr. Garter gave notice, that at an early day he would introduce a bill entitled an act to regulate fees in office in and for the counties of Colusa and Tehama.

Mr. Thom asked leave of absence for Mr. Ketchum for an indefinite period, on account of sickness, which was granted.

GENERAL FILE.

Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read third time.

Assembly bill No. 88, an act to fix the compensation of the county assessor of Alameda county, was read third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of this state, passed April 29, 1851, was taken up, and considered as in Committee of the Whole, pending which, messages from the Governor were announced.

Mr. Merritt moved to lay the subject under consideration temporarily upon the table, and to consider the messages of the Governor, which was carried.

The following message from the Governor was then read :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 4, 1858. }

To the Senate of California :

In consequence of the failure of J. W. Mandeville to qualify, a vacancy

has occurred in the office of Comptroller, and I therefore nominate and appoint A. R. Melony, of Contra Costa county, to that office.

The concurrence of the Senate is respectfully solicited.

JOHN B. WELLER, Governor.

Mr. Burch moved that the Senate go into executive session, which was carried.

Question being on confirming the appointment of A. R. Melony, the roll was called, with the following result: Ayes, 27—noes, none:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Pacheco, Phelps, Rogers, Soule, and Thom—27.

Messrs. Bell, Mesick, and Sullivan, declined voting.

So the appointment was unanimously confirmed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 3, 1858.

To the Senate of California:

An act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858, is herewith returned without my approval.

I fear that the form presented for the bonds to be issued will delay, if not prevent, their payment by the federal government.

The act of Congress approved August 5, 1854, directs the Secretary of War to examine into and ascertain the amount of the expenses incurred and now actually paid by the state of California, in the suppression of Indian hostilities within the said state, prior to the first day of January, 1854, etc.

The originals specified upon their faces that they were issued on account of the suppression of Indian hostilities, and unless this fact be stated, I am inclined to the opinion that payment will be refused.

I therefore respectfully recommend that the duplicates be made to correspond in this particular with the originals, in order that there may be no difficulty in the payment of them.

The bonds ought also to specify the dates of the originals, which can be readily ascertained, I suppose, at the Comptroller's or Treasurer's offices.

JOHN B. WELLER, Governor.

The question being, shall the bill pass, notwithstanding the objections of the Governor, the roll was called, with the following result: Ayes, none—noes, 30:

AYES—None.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Mesick, Pacheco, Phelps, Soule, Sullivan, and Thom—30.

So the Senate refused to pass the bill.

Consideration of Senate bill No. 71 was resumed.

The question being, shall the bill be ordered engrossed, and read a third time, the ayes and noes were demanded by Messrs. Soule, Grant, and Messick, and taken, with the following result :

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Gregory, Hart, Holden, Johnson of El Dorado, Lewis, Merritt, and Pacheco—16.

NOES—Messrs. Allen, Burton, Bell, Garter, Goodwin, Grant, Griffith, Johnson of Sacramento, Phelps, Soule, and Sullivan—11.

So the bill was ordered engrossed, and read a third time.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 99, an act amendatory of and supplementary to an act entitled an act to authorize the board of supervisors of Humboldt county to levy a special tax for certain purposes, and to provide for the collection of the same, approved April 18, 1857 ;

Also, I am directed to convey to the Senate a communication from the Attorney General, received by the Assembly this morning, responsive to a concurrent resolution relative to the state prison contract, and the payment of the lessee.

J. W. SCOBEEY, Clerk.

Assembly bill No. 99 was read first and second times, and referred to the delegation from Humboldt.

Communication from the Attorney General was taken up.

Mr. Griffith moved to dispense with the reading of the same, and that two hundred and forty copies be ordered printed, which was carried.

Mr. Lewis, chairman of Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined the following bills :

Senate bill No. 42, entitled an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled ;

Senate bill No. 86, an act for the relief of B. F. Hastings ;

Senate bill No. 87, an act to audit the claim of B. F. Hastings ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Griffith, by leave, introduced a bill entitled an act concerning the official bonds of public administrator and coroner of Yolo county, which was read first and second times.

On motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Grant moved a suspension of the rules, that he might introduce a bill, which was carried.

Mr. Grant introduced a bill, entitled an act making an appropriation for the redemption of state temporary loan bonds of 1850, which was read first and second times, and referred to the Finance Committee.

On motion of Mr. Johnson of Sacramento, the rules were suspended, and the following report made :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 75, an act to extend the provisions of an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856, have had the same under consideration, and have instructed me to report the bill back to the Senate, recommending its passage, without amendments.

JOSIAH JOHNSON,

Of the Committee on Agriculture.

GENERAL FILE.

Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, was read third time, and passed.

Senate bill No. 86, an act for the relief of B. F. Hastings, was read third time, and passed.

Senate bill No. 87, an act to audit the claim of B. F. Hastings, was read third time, and passed.

Assembly bill No. 75, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856, was considered as in Committee of the Whole.

IN SENATE.

Bill read a third time, and passed.

Mr. Thom, chairman of the Committee on Public Expenditures, made the following report :

MR. PRESIDENT :—Your Committee on Public Expenditures, to whom was referred Assembly concurrent resolution authorizing the Secretary of State to purchase, when he may deem it expedient, all stationery necessary for the use of members of this Legislature during the remainder of the session, have had the same under advisement, and report the same back to the Senate, without amendment, and recommend its passage.

C. E. THOM.

Assembly concurrent resolution relative to stationery, was concurred in.

Mr. Ferguson of Sacramento, chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 25, entitled an act to authorize the construction of a wharf at Twelve-Mile Creek, in the county of San Mateo, have had the same under consideration, and recommend in lieu thereof the passage of the following, as a substitute for the same, being a general bill on the same subject.

W. I. FERGUSON, Chairman.

On motion of Mr. Ferguson of Sacramento, the substitute was adopted, and two hundred and forty copies ordered printed.

Mr. Johnson of Sacramento, by leave, presented the claims of W. S. White, for services in Supreme Court, and Carswell & Hossack, for stationery for Supreme Court, which was referred to the Committee on Claims.

Mr. Ferguson of Sacramento, by leave, presented the claim of Jesse Hackett, for services in Surveyor General's office, which was referred to the Committee on Claims.

On motion of Mr. Mesick, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

FRIDAY, February 5, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

The president announced as the Committee on the part of the Senate, to act with a like committee of the House, in relation to the state-house and board of supervisors of Sacramento county, Messrs. Ferguson of Sacramento, Goodwin and Anderson.

PETITIONS.

Mr. Chase presented a petition from citizens of Nevada county, praying for the enactment of a Sunday law, which was referred to the Committee on Public Morals.

Mr. Goodwin presented the petition of O. L. Shafter, J. M. Shafter, and Solomon Heydenfeldt, for services rendered the state in certain suit, which was referred to the Committee on Claims.

REPORTS.

Mr. Burton, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 63, an act for the relief of William Ford, late sheriff of Sierra county, report the same back, with a substitute, and recommend the passage of the substitute.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch made the following report:

MR. PRESIDENT:—I have considered Assembly bill No. 99, amendatory of an act passed April 18th, 1857, providing a public building fund for the county of Humboldt, and recommend the passage of the bill, without amendment.

J. BURCH, Twenty-first district.

FEBRUARY 5th, 1858.

Report accepted, and, with bill, placed on file.

Mr. Goodwin introduced a bill entitled an act to suppress gaming, which was read first and second times, and referred to the Judiciary Committee.

Mr. Ferguson of Sacramento, presented the claims of George H. Mixer and J. D. Potter, for services rendered the state, which were referred to the Committee on Claims.

Mr. Allen gave notice that he would, on to-morrow, introduce a bill for an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29th, 1858.

Mr. Griffith offered the following resolution, which was adopted :

Resolved, That the Lieutenant Governor is hereby authorized to audit the account of the clerk of the Judiciary Committee at the rate of nine dollars per day.

GENERAL FILE.

Senate bill No. 95, an act to audit the claim of H. W. Larkin, was ordered engrossed, and read a third time.

Senate bill No. 63, an act for the relief of Wm. Ford, late sheriff of Sierra county, with substitute, reported from committee, was taken up, substitute adopted, and bill ordered engrossed, and read a third time.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 47, entitled an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9th, 1857, and find the same correctly engrossed.

WM. T. LEWIS.

Assembly bill No. 99, an act amendatory of and supplementary to an act entitled an act to authorize the board of supervisors of Humboldt county, to levy a special tax for certain purposes, and to provide for the collection of the same, approved April 18, 1857, was considered as in Committee of the Whole.

IN SENATE.

Bill read a third time, and passed.

Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, was read a third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up, and, on motion of Mr. Chase, temporarily laid on the table.

Mr. Merritt, by leave, presented the memorial of Messrs. Whitcomb, Peake, and Hampton, assignees of Alfred Wheeler, for services and work performed for the state, under direction of the Attorney General, in mak-

Also, Senate bill No. 69, an act to provide for the authentication of certain records, and recommend its indefinite postponement, as there is in existence a law covering the same ground as is proposed by this bill. (See Wood's Digest, page 224, art. 1187.)

Also, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851;

The majority of the committee have had the same under consideration, and report it back to the Senate, as a substitute for all bills upon this subject, without recommendation.

Also, Senate bill No. 27, an act to amend an act entitled an act concerning sheriffs, passed April 29, 1851, and recommend its passage, as amended :

Section first, line twenty-fourth: amend by inserting "money paid" between the words "redemption" and "to."

Second amendment: insert after the words "predecessor in office," in line twenty-sixth, "provided that this act shall not be construed so as in any manner to affect the existing laws relating to the collection of taxes.

Also, Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22, 1850;

Messrs. Grant, Chase, and Griffith, of the committee, recommend its passage, and Messrs. Merritt, Burch, and Gregory, its indefinite postponement.

Also, Assembly bill No. 66, an act to consolidate the several acts concerning the places of residence of the county judges, and recommend its indefinite postponement.

S. H. CHASE, Chairman Committee.

Report accepted, and, with bills, placed on file.

On motion of Mr. Griffith, Senate bill No. 8 was temporarily laid on the table until the reception of the minority report of committee.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 71, entitled an act to amend section twentieth of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and bill placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee have had under consideration Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, and report the same back, without amendment, and recommend its passage.

S. H. CHASE, Chairman.

Report accepted, and bill placed on file.

Mr. Gregory made the following report :

MR. PRESIDENT:—The undersigned, to whom was referred Assembly

bill No. 58, entitled an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, having considered the same, respectfully recommend its passage.

D. S. GREGORY.

Mr. Griffith introduced a bill for an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him, which was read first and second times, and referred to the Committee on Claims.

Mr. Bell, by leave, introduced a bill entitled an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855, which was read first and second times, and referred to the delegations from the counties embraced in the act.

Mr. Berry introduced a bill entitled an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch introduced a bill for an act to amend an act concerning jurors, passed May 3, 1852, which was read first and second times, and referred to the Judiciary Committee.

Mr. Holden offered the following resolution, which was adopted :

Resolved, That the Surveyor General be requested to inform the Senate whether he has in his office any information to the effect that any of the lands offered for sale in May next, by the President's proclamation, are swamp and overflowed lands.

Mr. Burton moved to refer so much of the Governor's message as relates to the "stamp act," to the Committee on Finance, which was carried.

Mr. Allen, chairman of the Committee on Manufactures, made the following report :

MR. PRESIDENT:—The committee, to whom was referred Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

And an act entitled an act to amend an act to provide for the formation of corporations for certain purposes, passed April 14, 1853—passed April 30, 1855;

Have had the same under consideration, and report it back, and recommend its passage.

ISAAC ALLEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Chase moved to take from the table Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, which was carried, and the bill considered as in Committee of the Whole.

IN SENATE.

Amendments of the committee adopted, and bill ordered engrossed, and read a third time.

Mr. Phelps made a verbal report on Senate bill No. 99, an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855, recommending its passage, with an amendment.

Bill considered as in Committee of the Whole.

IN SENATE.

Amendment adopted, and, on motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Carpenter, of the El Dorado delegation, made the following report :

MR. PRESIDENT :—The El Dorado delegation have had under consideration Senate bill No. 89, and report the same back, and recommend its passage.

G. J. CARPENTER,
W. B. DICKINSON,
S. M. JOHNSON,
S. F. HAMM.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 5, 1858. }

To the Senate of California :

An act to authorize the board of supervisors of the city and county of San Francisco to direct the auditor of said city and county to audit, and the treasurer of the same to pay, certain claims therein mentioned, is herewith returned without my approval.

As a general principle, I have always been opposed to much of that special legislation which has hitherto occupied the attention of the Legislature, and now encumbers our statute book. The evidence required to satisfy me of the necessity of this bill has not been furnished. Laws have been so frequently changed in relation to dock-masters and harbor-masters at San Francisco, that I am inclined to the opinion that private, rather than the public good, has sometimes been consulted.

The first act providing for the election of a harbor-master at that port, was passed March 11th, 1850. This law was repealed May 11th, 1852, and another substituted. On the 19th of April 1856, the law was again changed, and two dock-masters substituted for a harbor-master. The succeeding session, (March 26th, 1857,) the office of dock-master was abolished, and provision made for the election of a harbor-master and the appointment of a deputy. The dock-masters were, however to remain in office until the first of January, 1858. On the 18th of April, 1857, (same session,) an act was passed, modifying the act of 1856, so far as to substitute a section, which, amongst other things, provided for the election of a harbor-master. The previous section, however, being inconsistent with the act of March 26th, 1857, had been already expressly repealed, so far as dock-masters were concerned. The sixteenth section of that law provides "that the present dock-masters, for the port of San Francisco, shall respectively continue in office one year from the 1st day of January, 1857." The question then is : how far did the last act, (the one of April 18th, 1857,) repeal or modify the law which had been passed at the same session ?

It is to be observed that this act contained no repealing clause, and as the section in the law of 1856, so far as this subject was concerned had already been repealed, my opinion is, that the act of March, 1857, is still in
11s*

...the name of William Ford was found
on the ...

Source: "The Negro and the Immigrant" of the *American Labor Union*.

$\Delta = 1$ and $\Delta = 0$ are the two extreme cases of the above. For $\Delta = 1$, $V_{\text{max}} = 1$ and $V_{\text{min}} = 0$.

Mr. [redacted] stated to me that the two most important factors in the success of the [redacted] are the [redacted] and the [redacted].

[Faint, illegible handwritten text]

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The English edition is due to the efforts of Mr. Newman, for the long, varied, and successful career of which we are indebted to the kindness of the publishers.

The National School Boards Association has also developed the new design.

Mr. Fisher presented petitions from citizens of France, asking for the government of a literary academy, which he referred to the Committee on Foreign Affairs.

Dr. Tammann presented the history of Marine Biology, paying the first visit to the United States, in 1845, and the second, in 1852, under the patronage of the Prussian Government, and the third, in 1858, under the patronage of the Prussian Government.

Mr. Thompson's testimony concerned the flight of the latter & failed to say and even admitted ignorance about any further movements of either of the dead men, which would reflect on the Government's case.

Mr. Cramer presented the report of James Anthony & Co. for the present year and read, which was referred to the Committee on Finance.

8. The members of the Committee on Finance, Capital Markets, and
the following:

[illegible]

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[illegible]

Mr. Allen introduced a bill entitled an act supplementary to and amendatory of an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858, which was read first and second times, and, on motion of Mr. Allen, the rules were suspended, bill considered engrossed, read a third time, and passed.

GENERAL FILE.

Senate bill No. 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was read a third time.

Mr. Bell moved to recommit the bill to the Judiciary Committee, with special instructions,

Which was lost.

The question being on the final passage of the bill, the ayes and noes were demanded by Messrs. Griffith, Sullivan, and Lewis, and taken, with the following result: Ayes, 20—noes, 9:

AYES—MESSRS. Anderson, Baker, Berry, Burch, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Pacheco, Rogers, Taliaferro, and Thom—20.

NOES—MESSRS. Allen, Burton, Bell, Ferguson of Sacramento, Garter, Grant, Griffith, Johnson of Sacramento, and Sullivan—9.

So the bill was passed.

Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, was read a third time, and passed.

Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose, was taken up.

On motion of Mr. Carpenter, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1853," passed April 30, 1855, was ordered engrossed, and read a third time.

Senate bill No. 68, an act entitled an act fixing the salary of the district judge of the first judicial district, was ordered engrossed, and read a third time.

Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was, on motion of Mr. Carpenter, made the special order of the day for to-morrow, Tuesday, February 9, at twelve o'clock, M.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday, the 6th instant, passed Senate bill No. 96, an act concerning the official bonds of public administrator and coroner of Yolo county.

J. W. SCOBEEY, Clerk.

FEBRUARY 8, 1858.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

Senate bill No. 63, an act to audit the claim of William Ford, was read a third time, and passed.

Senate bill No. 74, an act for the relief of the Mountain Lake Water Company—

Mr. Mesick asked leave of absence for four days, which was granted.

Mr. Goodwin moved to make the bill then under consideration, the special order for Thursday next, at twelve o'clock.

Pending which, on motion of Mr. Mesick, the Senate adjourned.

Approved.

E. F. BURTON, President *pro tem.* of Senate.

Attest: THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

MONDAY, February 8, 1858.

Senate called to order by the secretary.

Roll called.

Absent, Messrs. Phelps and Soule.

The president and president *pro tem.* being absent, on motion of Mr. Lewis, Mr. Burton was called to the chair.

Journals of yesterday read and approved.

Mr. Rogers asked leave of absence for Mr. Merritt, for one day, which was granted.

Mr. Sullivan asked leave of absence for Mr. Goodwin for two days, which was granted.

Mr. Baker presented petitions from citizens of Placer county, praying for the enactment of a Sunday law, which were referred to the Committee on Public Morals.

Mr. Taliaferro presented the petition of Harriet Barry, praying for the relief of her late husband, justice of the peace in Sonora, Tuolumne county, for services rendered in 1850 and 1851, under the foreign miners' tax act, which was referred to the Committee on Claims.

Mr. Ferguson of Sacramento, presented the claims of Firderer & Caduc, for ice and coal furnished Supreme Court and Surveyor General's office, in 1854 and 1856, which were referred to the Committee on Claims.

Mr. Chase presented the claim of James Anthony & Co., for the years 1854 and 1856, which was referred to the Committee on Claims.

Mr. Thom, chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures, to whom was referred Senate bill No. 68, being an act entitled an act to fix the salary of the district judge of the first judicial district, have had the same under advisement, and beg leave to report the bill back to the Senate, with the recommendation that it pass, without amendment.

C. E. THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, by leave, introduced a bill for an act requiring county records of this state, to forward to the Surveyor General, certain affidavits in relation to swamp and overflowed lands, which was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Allen introduced a bill entitled an act supplementary to and amendatory of an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858, which was read first and second times, and, on motion of Mr. Allen, the rules were suspended, bill considered engrossed, read a third time, and passed.

GENERAL FILE.

Senate bill No. 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was read a third time.

Mr. Bell moved to recommit the bill to the Judiciary Committee, with special instructions,

Which was lost.

The question being on the final passage of the bill, the ayes and noes were demanded by Messrs. Griffith, Sullivan, and Lewis, and taken, with the following result: Ayes, 20—noes, 9:

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Pacheco, Rogers, Taliaferro, and Thom—20.

NOES—Messrs. Allen, Burton, Bell, Ferguson of Sacramento, Garter, Grant, Griffith, Johnson of Sacramento, and Sullivan—9.

So the bill was passed.

Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, was read a third time, and passed.

Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose, was taken up.

On motion of Mr. Carpenter, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1853," passed April 30, 1855, was ordered engrossed, and read a third time.

Senate bill No. 68, an act entitled an act fixing the salary of the district judge of the first judicial district, was ordered engrossed, and read a third time.

Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was, on motion of Mr. Carpenter, made the special order of the day for to-morrow, Tuesday, February 9, at twelve o'clock, M.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday, the 6th instant, passed Senate bill No. 96, an act concerning the official bonds of public administrator and coroner of Yolo county.

J. W. SCOBEEY, Clerk.

FEBRUARY 8, 1858.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

Mr. Ferguson of Sacramento, presented Comptroller's warrant No. 588, on behalf of G. L. Waters, for labor and materials for state prison, which was referred to the Committee on Claims.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 92, an act concerning county treasurers, have had the same under consideration, and beg leave to report the bill back to the Senate, with amendments, recommending its passage, as amended.

Amend section first, by striking out the word "legal," in the sixth line.

JOSIAH JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 77, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857, have had the same under consideration.

Your committee find in section third of the revenue law of 1857, a proviso, which reads as follows: "All real estate, improvements, and personal property, shall be assessed to a person, firm, corporation or company, as herein provided, and to all owners and claimants, known or unknown," which proviso, in the opinion of your committee, sufficiently provides for the object proposed in the bill under consideration; for this reason your committee beg leave to report the same back to the Senate, recommending the indefinite postponement of the bill.

JOSIAH JOHNSON, Chairman.

FEBRUARY 9, 1858.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 97, an act making appropriations for the redemption of state temporary bonds of 1850, have had the same under consideration, and beg leave to report the bill back to the Senate, recommending its indefinite postponement, for reasons which may be found in section third of the act of April 28, 1857, an act to provide for paying certain equitable claims against the state, and to contract a funded debt for that purpose.

JOSIAH JOHNSON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Bell, chairman of the joint committee relative to the state treasury and Treasurer's office, made the following report:

MR. PRESIDENT:—Your special joint committee, to whom was recommended the resolution relating to the more effectual protection of the state treasury, beg leave to report the same back, together with a substitute, and respectfully recommend the passage of the substitute.

S. B. BELL, Chairman.

Report accepted, and, with resolution, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT :—Your Committee on Claims, to whom was referred the claim of Thos. R. Eldredge, for translating the Laws of 1856, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it be rejected.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined the following bills :

Senate bill No. 27, entitled an act to amend an act entitled an act concerning sheriffs, passed April 29, 1851 ;

Senate bill No. 39, entitled an act to provide for the relinquishment to the United States, in certain cases, of titles to lands, for sites for light-houses, and for other purposes, on the coasts and waters of this state ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

Mr. Garter introduced a bill for an act to regulate fees in office in and for the counties of Colusa and Tehama, which was read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Garter offered the following resolution :

Whereas, The Senate have decided that an official report shall be made of their proceedings ; *and whereas*, it is desirable that such a report, if made, should be complete and accurate ; *and whereas*, it is well known to be impossible for a single reporter to perform the laborious duty of writing out such a report in all its details, after the close of the daily sessions of the Senate ;

Therefore, resolved, That a second official reporter be employed by the Senate, whose duty it shall be to divide the labor with the reporter already elected, in keeping a correct report of the daily proceedings of the Senate, and all important debates thereon ; *provided*, that the reports thus made, be published in one or more of the daily papers of this city, free of charge to the state, and that any newspaper, without distinction of politics, may have the privilege of copying and using such reports, free of charge, for publication.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Anderson, Baker, and Ketchum, and taken, with the following result : Ayes, 9—noes, 19.

AYES—Messrs. Bell, Ferguson of Sacramento, Garter, Grant, Griffith, Lewis, Sullivan, Taliaferro, and Thom—9.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Coulter, Dickinson, Ferguson of Sierra, Gregory, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Merritt, Melony, Pacheco, Rogers, and Soule—19.

So the resolution was rejected.

Mr. Taliaferro offered the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that the Governor be requested to return to the Senate a bill concerning lawful fences in Marin county.

Mr. Taliaferro made a verbal report upon Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, and moved that the usual number of copies be ordered printed.

Which was carried.

GENERAL FILE.

Senate bill No. 27, an act to amend an act entitled an act concerning sheriffs, passed April 29, 1851, was read third time, and passed.

Mr. Burton, chairman of the Committee on Claims, by leave, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Thomas R. Eldredge, for translating the Laws of 1857, have had the same under consideration, and recommend that it be rejected.

Upon the claim of Thomas R. Eldredge, for correcting the proof of the Spanish Laws of 1856, the committee recommend that the sum of \$155 75, be allowed, and have advised me to report the accompanying bill for his relief.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes on the coasts and waters of this state, was read third time, and passed.

Mr. Burton, chairman of the Committee on Claims, by leave, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of A. Ainsa, for translating the Laws of 1856, have had the same under consideration, and have directed me to report the accompanying bill.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

On motion of Mr. Pacheco, the whole subject matter relative to Spanish translations, and the claims of translators, as embraced in the report of the Committee on Claims, was made the special order for to-morrow, Wednesday, February 10th.

Senate bill No. 92, an act concerning county treasurers, was considered as in Committee of the Whole.

IN SENATE.

Amendment of Committee of the Whole adopted, and bill ordered engrossed, and read a third time.

Senate bill No. 97, an act making an appropriation for the redemption of state temporary loan bonds of 1850, was indefinitely postponed.

Senate bill No. 77, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April

29th, 1857, was, on motion of Mr. Johnson of Sacramento, laid on the table.

The report of the special joint committee, in relation to the state treasury, with substitute for Senate concurrent resolution No. 18, was taken up, and substitute adopted.

Mr. Baker presented the claim of Charles Trout, for labor in the capitol, which was referred to the Committee on Contingent Expenses.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was taken up, and, on motion of Mr. Soule, made the special order of the day for Saturday, February, 13th, at 12 o'clock, m.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, have had the same under consideration, and recommend its passage;

Also, Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names, as sole traders, passed April 12th, 1852, and recommend its passage, without amendment;

Also, Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4th, 1852, and recommend its passage, without amendment.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county;

Also, concurred in Senate concurrent resolution No. 8, relative to the sixteenth and thirty-sixth sections of land donated by Congress to the several townships of this state.

J. W. SCOBEE, Assembly Clerk.

FEBRUARY 9, 1858.

GENERAL FILE RESUMED.

Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, was considered as in Committee of the Whole.

Mr. Anderson moved to recommit the bill to the Committee on Finance, which was carried.

Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names, as sole traders, passed April 12, 1852, was, on motion of Mr. Burch, laid on the table.

Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, was considered as in Committee of the Whole.

IN SENATE.

Amendments adopted, and bill ordered engrossed, and read a third time.

Mr. Hamm, of the El Dorado delegation, made the following report :

MR. PRESIDENT :—The Sacramento and El Dorado delegations, to whom was referred Senate bill No. 18, an act amendatory of and supplementary to an act entitled an act to submit to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road, have agreed upon the following substitute, and ask the passage of the substitute.

S. F. HAMM.

On motion of Mr. Carpenter, the substitute was adopted, and the bill then considered as in Committee of the Whole.

IN SENATE.

On motion of Mr. Johnson of El Dorado, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, Feb. 9, 1858.

To the Senate of California :

I hereby nominate and appoint Julius Korn, of San Francisco, one of the port wardens for that city, in lieu of G. A. Swasey, whose term has expired, and respectfully ask the concurrence of the Senate therein.

JOHN B. WELLER, Governor.

Mr. Ferguson of Sacramento moved to make the message the special order for to-morrow, Wednesday, February 10th, at twelve o'clock, M., which was carried.

Mr. Sullivan, of the San Francisco delegation, made the following report :

MR. PRESIDENT :—The Senate committee consisting of the San Francisco delegation, to whom was referred Senate bill No. 84, have had the same under consideration, and return the bill, without amendment, and recommend its passage.

E. L. SULLIVAN, of Delegation.

Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, was considered as in Committee of the Whole.

IN SENATE.

Mr. Burton moved to refer the bill to the Committee on Public Lands, which was carried.

Mr. Thom moved to reconsider the vote by which Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to pro-

29th, 1857, was, on motion of Mr. Johnson of Sacramento, laid on the table.

The report of the special joint committee, in relation to the state treasury, with substitute for Senate concurrent resolution No. 18, was taken up, and substitute adopted.

Mr. Baker presented the claim of Charles Trout, for labor in the capitol, which was referred to the Committee on Contingent Expenses.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was taken up, and, on motion of Mr. Soule, made the special order of the day for Saturday, February, 13th, at 12 o'clock, M.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, have had the same under consideration, and recommend its passage;

Also, Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names, as sole traders, passed April 12th, 1852, and recommend its passage, without amendment;

Also, Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4th, 1852, and recommend its passage, without amendment.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county;

Also, concurred in Senate concurrent resolution No. 8, relative to the sixteenth and thirty-sixth sections of land donated by Congress to the several townships of this state.

J. W. SCOBEEY, Assembly Clerk.

FEBRUARY 9, 1858.

GENERAL FILE RESUMED.

Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, was considered as in Committee of the Whole.

Mr. Anderson moved to recommit the bill to the Committee on Finance, which was carried.

Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names, as sole traders, passed April 12, 1852, was, on motion of Mr. Burch, laid on the table.

Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, was considered as in Committee of the Whole.

IN SENATE.

Amendments adopted, and bill ordered engrossed, and read a third time.

Mr. Hamm, of the El Dorado delegation, made the following report:

MR. PRESIDENT:—The Sacramento and El Dorado delegations, to whom was referred Senate bill No. 18, an act amendatory of and supplementary to an act entitled an act to submit to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road, have agreed upon the following substitute, and ask the passage of the substitute.

S. F. HAMM.

On motion of Mr. Carpenter, the substitute was adopted, and the bill then considered as in Committee of the Whole.

IN SENATE.

On motion of Mr. Johnson of El Dorado, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 9, 1858.

To the Senate of California:

I hereby nominate and appoint Julius Korn, of San Francisco, one of the port wardens for that city, in lieu of G. A. Swasey, whose term has expired, and respectfully ask the concurrence of the Senate therein.

JOHN B. WELLER, Governor.

Mr. Ferguson of Sacramento moved to make the message the special order for to-morrow, Wednesday, February 10th, at twelve o'clock, M., which was carried.

Mr. Sullivan, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The Senate committee consisting of the San Francisco delegation, to whom was referred Senate bill No. 84, have had the same under consideration, and return the bill, without amendment, and recommend its passage.

E. L. SULLIVAN, of Delegation.

Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, was considered as in Committee of the Whole.

IN SENATE.

Mr. Burton moved to refer the bill to the Committee on Public Lands, which was carried.

Mr. Thom moved to reconsider the vote by which Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to pro-

Strike out from the proviso, in section sixth, the words, "office of sheriff," and insert, in their stead, "offices of sheriff and assessor."

J. H. BAKER.
JAMES ANDERSON.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento City, February 10, 1858. }

To the Senate of California :

I hereby nominate and appoint John B. Shaeffer one of the port wardens for the port of San Francisco, vice R. M. Haley, resigned. The confirmation of the Senate is respectfully solicited.

JOHN B. WELLER, Governor.

On motion of Mr. Bell, the message was made the special order for this day, at twelve o'clock.

INTRODUCTION OF BILLS.

Mr. Bell introduced a bill for an act to amend an act concerning forcible entries and unlawful detainers, passed April 22, 1850, which was read first and second times, and referred to the Judiciary Committee.

Mr. Johnson of Sacramento introduced a bill for an act to furnish the Surveyor General's office with certain manuscript maps, and to provide the state offices and public schools with a map of California, which was read first and second times, and referred to the Committee on Public Lands.

Mr. Bell introduced a bill for an act amendatory of an act entitled an act concerning jurors, passed May 3, 1852, which was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate bill No. 68, an act fixing the salary of the district judge of the first judicial district, was read a third time, and passed.

Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was, on motion of Mr. Melony, laid on the table.

Senate bill No. 92, an act concerning county treasurers, was returned to the Engrossing Committee, to be re-engrossed.

Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer, was considered as in Committee of the Whole.

IN SENATE.

Amendments of Committee adopted, bill read third time, title amended, and bill passed.

Senate bill No. 49, an act amendatory of and supplemental to an act entitled an act for the government and protection of Indians, passed April 22, 1850, was, on motion of Mr. Burton, laid on the table.

The report of the Committee on Contingent Expenses was adopted, and the claim of Charles Trout was ordered paid.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the 6th instant, passed Assembly bill No. 127, an act concerning the collection of delinquent school taxes in the city of Sacramento ;

Also, on the 8th instant, passed Assembly bill No. 136, an act to extend the time for the collection of taxes in San Bernardino county ;

Also, on yesterday, passed Assembly bill No. 87, an act to authorize the executor and administrator of the estate of John Ellig, deceased, to sell real estate of said deceased at public or private sale ;

Also, have this day concurred in Senate concurrent resolution requesting the Governor to return Senate bill No. 24, an act concerning lawful fences in Marin county.

J. W. SCOBEE, Assembly Clerk.

Assembly bill No. 127 was read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 136 was read first and second times, and, on motion of Mr. Thom, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 87 was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, and an act entitled an act to amend an act entitled " an act to provide for the formation of corporations for certain purposes, passed April 14, 1853," passed April 30, 1855, was considered as in Committee of the Whole.

Pending which, the hour having arrived for the consideration of the special order of the day, Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22, 1850, was taken up, and, on motion of Mr. Bell, made the special order of the day for Saturday, February 13, at twelve o'clock, M.

The report of the Committee on Claims, recommending the rejection of the claim of Thomas R. Eldredge, for translating the Laws of 1856, was taken up, and the recommendation of the committee adopted.

Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856, was read first and second times, and placed on calendar.

The report of the Committee on Claims, recommending the rejection of the claim of Thomas R. Eldredge, for translating the Laws of 1857, was taken up, and adopted.

Senate bill No. 107, an act to audit the claim of Augustin Ainsa, was read first and second times, and placed on the calendar.

The Governor's message, nominating Julius Korn, as one of the port wardens of San Francisco, was, on motion of Mr. Anderson, made the special order of the day for Monday, February 15th, at twelve o'clock, M.

The Governor's message, appointing John B. Shaeffer port warden for the port of San Francisco, was taken up.

On motion of Mr. Merritt, the Senate went into executive session.

The question being on the confirmation, the roll was called, with the following result: Ayes, 33—noes, none :

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter,

Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Mesick, Pacheco, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—33.
 NOES—None.

So the appointment was unanimously confirmed.

The special order being disposed of, the consideration of Senate bill No. 23 was resumed, bill amended, and ordered engrossed, and read a third time.

On motion of Mr. Chase, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

THURSDAY, February 11, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Mr. Johnson of El Dorado asked leave of absence for Mr. Gregory, for one day, which was granted.

Journals of yesterday read and approved.

Mr. Johnson of Sacramento presented the claim of James Penny, for services as porter of the Supreme Court in 1856, which was referred to the Committee on Claims.

Also, the claim of Hiller & Andrews, for clock furnished the Senate Chamber, which was referred to the Committee on Claims.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 100, an act making an appropriation for the payment of A. J. F. Phelan, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

E. F. BURTON, Chairman.

*Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your committee, to whom were referred the claims of W. F. Knox, and J. P. Muldoon, report them back, and recommend that they be referred to the Committee on Contingent Expenses.

E. F. BURTON, Chairman of Committee on Claims.

Report adopted, and claims referred to the Committee on Contingent Expenses.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills, have examined the following bills :

Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852 ;

Senate bill No. 92, an act concerning county treasurers ;

And find the same correctly engrossed.

W. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

Mr. Merritt, of the Committee on Corporations, made a minority report :
(See Appendix.)

Report accepted, and placed on file.

Mr. Thom, chairman of the Committee on Public Expenditures, made the following report :

MR. PRESIDENT :—Your Committee on Public Expenditures, to whom was referred the account of John Voorhees, for lumber and labor in constructing platform in front of the capitol, for inaugural ceremonies, have carefully examined the same ; and believing the charge of three hundred dollars to be too high for the services performed, ask leave to report the account back to the Senate, recommending that the same be reduced to the sum of one hundred and fifty dollars.

C. E. THOM, Chairman.

Report accepted, and placed on file.

Mr. Merritt, by leave, presented the claim of Hiller & Andrews, for rent of office of Attorney General, which was referred to the Committee on Claims.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, have had the same under consideration, and report the bill back to the Senate, without amendment, recommending its passage.

JOSIAH JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 11, 1858.

To the Senate of California:

My attention has been recently directed to the subject of usury laws. This question has been so fully discussed by political economists in all commercial nations, that I do not feel disposed to go into the argument. Although every state in the Union has deemed it proper to enact laws to prevent usury, I have never been satisfied, nor am I now, that such laws would exercise a beneficial influence in this state.

As a general principle, I have thought that freemen are quite as competent to agree on the amount which should be paid for the use of money, as for any other property, real or personal. Besides, when usury laws prevail, all sorts of devices are resorted to in order to evade them, and I doubt very much whether they are strictly observed in any state. We want no laws upon our statute book, which cannot be enforced. Whilst, therefore, I am not prepared to recommend such laws, I am satisfied that the public good demands that a law should be passed, allowing only the

States.	Minimum.....	Maximum....	Rates of Interest in the various States of the United States.
Massachusetts, ...	6		For usury, defendant may recover full costs, and plaintiff forfeits threefold the amount.
Maryland,	6		Only the excess over the legal rate is void.
Michigan,	7	10	The excess beyond these rates void.
Missouri,	6	10	Usury involves a forfeiture of ten per cent.
Mississippi,	6	8 10	Eight per cent. for money, six upon other contracts; and any rate, not exceeding ten per cent., by agreement in writing.
Minnesota,	7		Any rate, other than seven per cent., agreed upon between parties, is legal.
New Hampshire, ...	6		If more interest be taken, the party forfeits three times the amount so unlawfully exacted.
New York,	7		A higher rate of interest invalidates the contract.
New Jersey,	6		Other rates are void, the usurer forfeiting the whole subject matter of the contract.
North Carolina, ...	6		Higher rates void in a forfeiture of double the amount of the debt.
Ohio,	6	10	On written agreement, as high as ten per cent. If higher, the excess is void.
Pennsylvania,	6		Usury cannot be recovered, and if paid, may be recovered back.
Rhode Island,			For practicing usury, plaintiff can recover the principal, with legal interest, and costs.
South Carolina, ...	7		The party demanding more, forfeits the entire interest.
Tennessee,	6		The person exacting higher rates is liable to a fine of not less than the amount usuriously taken.
Texas,	8	12	Parties may agree upon any rate as high as twelve per cent. Usury forfeits the entire interest.
Vermont,	6		Interest paid beyond this amount may be recovered back, with costs.
Virginia,	6		All contracts for a greater rate are void; forfeiture twice the amount of the debt.
Wisconsin,	7	12	Illegal interest entitles the plaintiff to recover treble the amount paid.

On motion of Mr. Anderson, the message and tables were referred to the Judiciary Committee.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 11, 1858. }

To the Senate of California :

I have this day approved an act to separate the offices of county re-

corder, county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk in the county of Placer.

Also, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20th, 1850.

Also, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17th, 1850.

Also, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries and to provide for its organization, passed March 2d, 1857.

JOHN B. WELLER, Governor.

INTRODUCTION OF BILLS.

Mr. Holden introduced a bill for an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes, by act of Congress, passed March 3, 1853.

Which was read first and second times, the usual number ordered printed, and bill referred to the Committee on Public Lands.

Mr. Anderson, by leave, introduced a bill for an act to audit and allow the claim of Samuel J. Frisbee,

Which was read first and second times, and referred to the Committee on Claims.

Mr. Taliaferro, by leave, introduced a bill for an act to repeal the act of March 29, 1856, to establish pilots and pilot regulations for the port and harbor of Benicia and Mare Island,

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Goodwin introduced a bill for an act to change and fix the time of holding the court of sessions and the county court of Yuba county,

Which was read first and second times, and placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 111, an act to amend an act concerning lawful fences, approved April 27, 1855;

Also, Assembly bill No. 53, an act explanatory of an act entitled an act concerning passengers arriving in ports in this state, passed May 3, 1852;

Also, Senate bill No. 63, an act to audit the claim of William Ford;

Also, Senate bill No. 95, an act to audit the claim of H. W. Larkin;

Also, Senate bill No. 103, an act supplementary to and amendatory of an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858;

Also, with amendments, Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857, and ask the concurrence of the Senate therein;

Also, concurred in Senate concurrent resolution No. 18, authorizing the board of examiners to employ workmen to repair the vaults and office of the State Treasurer.

J. W. SCOBAY, Clerk.

Assembly bill No. 111 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 53 was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 35, amendments of Assembly concurred in.

On motion of Mr. Bell, Senate bill No. 30, an act providing for the binding out of apprentices, clerks, and servants, was taken from the table, and considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed and read a third time.

On motion of Mr. Carpenter, the usual number of copies of the minority and majority reports of the Committee on Corporations on Senate bill No. 6, were ordered printed.

GENERAL FILE.

Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852, was read a third time, and passed.

Senate bill No. 92, an act concerning county treasurers, was, on motion of Mr. Melony, laid temporarily on the table.

Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856, was ordered engrossed, and read a third time.

Senate bill No. 107, an act to audit the claim of A. Ainsa, for translating the Laws of 1856 into the Spanish language, was taken up.

Mr. Bell moved a call of the Senate, which was lost.

The bill was then ordered engrossed, and read a third time.

Senate bill No. 100, an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him, was ordered engrossed, and read a third time.

The report of the Committee on Public Expenditures, relative to claim for building platform, was taken up, and adopted.

Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, was ordered engrossed, and read a third time.

On motion of Mr. Melony, Senate bill No. 92, an act concerning county treasurers, was taken from the table, and considered.

After debate, Mr. Griffith moved to lay the bill on the table.

There being a tie vote, the president voted in the negative, and the motion was lost.

Mr. Melony then moved to refer the bill to the Judiciary Committee, which was carried.

Senate bill No. 115, an act to change and fix the time of holding the court of sessions and the county court of Yuba county—

On motion of Mr. Goodwin, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Thom offered the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that the sum of one hundred and fifty dollars be and the same is hereby appropriated and ordered to be paid to John Voorhees, for labor in constructing platform in front of the capitol, for inaugural ceremonies, and that the said amount be paid, the one-half out of the Senate contingent fund, and other half out of Assembly contingent fund.

On motion of Mr. Johnson of Sacramento, Senate bill No. 77, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857, was taken from the table, the recommendation of Finance Committee adopted, and bill indefinitely postponed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly this day passed Assembly bill No. 150, an act for the relief of John M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county, and others;

Also, Senate bill No. 87, an act to audit the claim of B. F. Hastings;

Also, Senate bill No. 86, an act for the relief of B. F. Hastings, with an amendment;

And ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

FEBRUARY 11, 1858.

Assembly bill No. 150 was read first and second times, and, on motion of Mr. Bell, the rules were suspended, bill read a third time, and passed.

Senate bill No. 86, Assembly amendments concurred in.

Mr. Baker, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have considered the following bills, and recommend their payment from the contingent fund :

W. F. Knox,	-	-	-	-	-	-	-	-	\$100 00
W. F. Knox,	-	-	-	-	-	-	-	-	21 00
J. P. Muldoon,	-	-	-	-	-	-	-	-	20 00

BAKER, Chairman.

Mr. Johnson of Sacramento presented Comptroller's warrants Nos. 600 and 601, of Wm. B. Rochester, for labor done at state prison, which were referred to the Committee on Claims.

On motion of Mr. Rogers, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

FRIDAY, February 12, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT :—The Committee on Claims, to whom was referred the claim of Seth H. Wetherbee, for services as notary, etc., at the state prison in the year 1856, and the claim of E. L. Brown, for rent of court-house in the city of Sacramento, in the year 1850, have had the same under consideration, and report them back, and recommend that they be rejected.

E. F. BURTON, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 107, an act to audit the claim of A. Ainsa, for translating the Laws of 1856, into the Spanish language ;

Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants ;

Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856 ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, and placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Assembly bill No. 111, entitled an act to amend an act concerning lawful fences, approved April 27th, 1855, have had the same under consideration, and report the same back to the Senate, and recommend that the bill be indefinitely postponed.

A. R. MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of the Enrolling Committee, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills report that on the tenth day of February, 1858, at three and one-half o'clock, P. M., they presented to the Governor, for his approval, the following named bills, viz. :

Senate bill No. 21, entitled an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20th, 1850.

Also, Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2d, 1857.

Also, Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17th, 1850.

Also, Senate bill No. 9, an act entitled an act to separate the offices of county recorder, county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk, in the county of Placer.

E. GARTER, Chairman.

Report accepted.

Mr. Garter, chairman of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 86, entitled an act for the relief of B. F. Hastings.

Also, Senate bill No. 87, an act to audit the claim of B. F. Hastings, and placed the same in the hands of the Governor, for his approval, on the 11th day of February, 1858, at three o'clock, P. M.

E. GARTER, Chairman.

Report accepted.

Mr. Johnson of Sacramento made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 127, have had the same under consideration, and have authorized me to report the bill back to the Senate, without amendment, recommending its passage.

JOSIAH JOHNSON, of Sacramento Delegation.

Report accepted, and, with bill, placed on file.

Mr. Anderson offered the following resolution:

Resolved, That the special order of the day fixed for this day, upon certain resolutions, be and is hereby postponed until the 27th day of March next, at twelve o'clock, M.

Mr. Griffith rose to a point of order, that the special order of the day had been fixed for twelve o'clock, M., and that it was not competent for the Senate to postpone its consideration before that hour had arrived.

The chair ruled the point of order well taken.

Mr. Anderson appealed from the decision of the chair.

The question being, "shall the decision of the chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Griffith, and Merritt, and taken, with the following result: Ayes, 13—noes, 20:

AYES—Messrs. Allen, Bell, Carpenter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Johnson of Sacramento, Mesick, Phelps, Soule, and Sullivan—13.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Garter, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—20.

So the decision of the chair was overruled.

Mr. Merritt moved the previous question, which was sustained—question being, "shall the main question be now put?" upon which the ayes and noes were demanded by Messrs. Grant, Soule, and Bell, and taken, with the following result: Ayes, 22—noes, 13:

AYES—Messrs. Anderson, Baker, Berry, Burch, Chase, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—22.

NOES—Messrs. Allen, Burton, Bell, Carpenter, Ferguson of Sacramento,

Goodwin, Grant, Griffith, Johnson of Sacramento, Mesick, Phelps, Soule, and Sullivan—13.

So the main question was ordered put.

The main question being the adoption of the resolution offered by Mr. Anderson, the ayes and noes were demanded by Messrs. Pacheco, Anderson, and Grant.

Mr. Ferguson of Sacramento called for the special order of the day, the hour of twelve o'clock, M., having arrived.

The chair ruled the motion out of order, as the Senate was now under the operation of the previous question.

Mr. Griffith rose to a point of order; any senator had a right to call for the special order, when the hour for its consideration arrives.

The chair ruled the point not well taken, as the Senate was now under the operation of the previous question.

The roll being called on the main question, the vote was taken, with the following result: Ayes, 23—noes, 11:

AYES—Messrs. Anderson, Baker, Berry, Burch, Chase, Coulter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—23.

NOES—Messrs. Burton, Bell, Carpenter, Ferguson of Sacramento, Grant, Griffith, Johnson of Sacramento, Mesick, Phelps, Soule, and Sullivan—11.

So the resolution was adopted.

Mr. Anderson moved that the Senate do now adjourn, upon which the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Burton, and Griffith, and taken, with the following result: Ayes, 21—noes, 13:

AYES—Messrs. Anderson, Berry, Burch, Burton, Coulter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, Taliaferro, and Thom—21.

NOES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Grant, Griffith, Johnson of Sacramento, Mesick, Pacheco, Phelps, Soule, and Sullivan—13.

So the Senate stood adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

SATURDAY, February 13, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Mr. Johnson of El Dorado asked leave of absence for an indefinite period, for Mr. Carpenter, on account of sickness, which was granted.

Mr. Taliaferro asked leave of absence for an indefinite period for Mr. Thom, on account of sickness, which was granted.

Journals of yesterday read and approved.

Mr. Grant presented the claim of Reuben S. Clark, for plans, drawings, and designs, for a state capitol;

Also, the claim of James F. Kane, for work on state capitol;

Which were referred to the Committee on Claims.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have examined the account of H. Shipley & Co., for Democratic State Journals furnished senators, and believe the same to be correct.

The committee recommend that the same be paid out of the contingent fund.

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 100, entitled an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and with bill, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Senate bill No. 67, have had the same under consideration, and respectfully report the same to the Senate, with a substitute, and recommend the adoption and passage of the substitute.

A. R. MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Soule, by leave, introduced a bill for an act to amend an act entitled an act to provide for the incorporation of water companies, passed May 3, 1852,

Which was read first and second times, and referred to the Committee on Corporations.

Mr. Gregory, by leave, introduced a bill for an act to regulate the creation of homesteads,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Gregory, by leave, introduced a bill for an act to create the office of State Librarian, and to provide for the increase and preservation of the state library,

Which was read first and second times, and referred to the Committee on State Library.

Mr. Taliaferro, by leave, introduced a bill for an act to provide for the more thorough distribution of the laws of this state,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Berry, by leave, introduced a bill for an act to authorize the board of supervisors of Siskiyou county to levy an additional tax for county expenditures,

Which was read first and second times.

On motion of Mr. Berry, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Ferguson gave notice that he would, at an early day, introduce a bill for an act granting Solomon A. Sharp, Leonidas Haskell, Benjamin H. Bacon, and others, the right of way, for the purpose of constructing a telegraph line from San Francisco, *via* San Jose, Santa Cruz, Monterey, and other intermediate points, to Los Angeles.

Mr. Merritt gave notice that he would, at an early day, introduce a bill to authorize James S. Graham and others to construct a telegraph line from San Francisco to San Diego, and intermediate points.

Mr. Ketchum gave notice that he would, as soon as practicable, introduce a bill to amend an act entitled an act to provide revenue for the support of the government of this state.

Mr. Lewis offered the following resolution, which was adopted :

Resolved, That the Committee on Mileage be authorized to report the mileage due the visiting committee to the state insane asylum.

GENERAL FILE.

Senate bill No. 100, an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him, was read third time.

Mr. Anderson moved to recommit the bill, with special instructions, which was lost.

Mr. Baker moved to refer the bill to the Judiciary Committee, with instructions to report it payable from state funds, or by the general government, which was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Phelps, and Anderson, and taken, with the following result: Ayes, 22—noes, 5:

AYES—Messrs. Allen, Berry, Burch, Bell, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Melony, Mesick, Pacheco, Rogers, Sullivan, and Taliaferro—22.

NOES—Anderson, Baker, Coulter, Phelps, and Soule—5.

EXCUSED—Messrs. Lewis and Ketchum were excused.

So the bill passed.

Senate bill No. 107, an act to audit the claim of A. Ainsa, for translating the Laws of 1856 into the Spanish language, was read a third time, and passed.

Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, was read a third time, and passed.

Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856, was, on motion of Mr. Griffith, laid on the table.

Assembly bill No. 127, an act concerning the collection of delinquent school taxes in the City of Sacramento, was read a third time, and passed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 11, 1858. }

To the Senate of California :

In compliance with a concurrent resolution of the two Houses of the Legislature, I herewith return to your honorable body, an act concerning lawful fences in Marin county.

JOHN B. WELLER, Governor.

On motion of Mr. Taliaferro, the vote by which the Senate passed an act concerning lawful fences in Marin county, was reconsidered.

Mr. Taliaferro then moved that the vote by which the bill passed to its third reading, be reconsidered, which was carried, and the bill was referred to the delegation from Marin county.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 12, 1858. }

To the Senate of California :

I have this day approved an act for the relief of B. F. Hastings ; also, an act to audit the claim of B. F. Hastings.

JOHN B. WELLER, Governor.

The report of the Committee on Claims, with accounts of E. L. Brown and S. H. Wetherbee, were, on motion of Mr. Baker, laid on the table.

The following communication was received from the Surveyor General, and the secretary proceeded to read, when, on motion of Mr. Burch, the further reading was dispensed with, the usual number of copies ordered printed, communication accepted, and referred to Committee on Swamp and Overflowed Lands. (See Appendix.)

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852, have had the same under consideration, and Messrs. Burch, Merritt, Gregory, and Goodwin, of the committee, report in favor of the passage of the bill, and Messrs. Chase and Grant recommend its indefinite postponement.

The committee also report Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850, and recommend that it be indefinitely postponed.

Also, report Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate, and recommend its passage, with the following amendments :

Section one—Line forty-seven : After the words "above-named," insert "and upon the execution of a bond, in double the value of the property, with good and sufficient sureties, who shall be required to justify in the amount for which they respectively become liable."

In same section, line fifty-two : After the words "such sale," insert "and the confirmation thereof, by the probate court, as in other cases."

Also, Senate bill No. 92, an act concerning county treasurers, recommending an additional section, and the passage of the bill, as amended.

Also, Senate bill No. 78, an act to authorize the district attorney of the city and county of San Francisco to appoint an assistant, to fix his salary, and recommend that the bill be referred to the San Francisco delegation.

Also, Senate bill No. 90, an act to amend an act entitled an act concerning the courts of justice of this state, and judicial officers, passed May 19, 1853, with amendments, and recommend the passage of the bill as amended. In section one, line nine, after the word "mandamus," strike out the word "prohibition."

S. H. CHASE, Chairman.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, the message of the Governor, withholding his approval of Senate bill No. 4, an act to authorize the board of supervisors, the auditor, and treasurer, of the city and county of San Francisco, to allow and pay certain claims therein mentioned.

The question being: "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, and taken, with the following result: Ayes, 17—noes, 10:

AYES—Messrs. Allen, Bell, Chase, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Johnson of Sacramento, Ketchum, Merritt, Pacheco, Phelps, Soule, Sullivan, and Taliaferro—17.

NOES—Messrs. Anderson, Baker, Burch, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Lewis, and Rogers—10.

So the Senate refused to pass the bill.

Senate bill No. 74, an act for the relief of the Mountain Lake Water Company," was ordered engrossed, and read third time.

On motion of Mr. Bell, the vote just taken, by which the bill passed to an engrossment, was reconsidered.

And, on motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22, 1850.

Mr. Garter offered the following amendment:

After the word "incurred," in the fifth line of section two, insert the following words: "Nor shall the common property of the husband and wife be in any manner affected." And in the seventh line of said section, strike out the word "him," and insert the words "the husband and wife."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Burch, Gregory, and Merritt, and taken with the following result: Ayes, 18—noes, 6:

AYES—Messrs. Baker, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Phelps, Rogers, and Soule—18.

NOES—Messrs. Burch, Dickinson, Ferguson of Sierra, Gregory, Hamm, and Merritt—6.

So the amendment was adopted.

Mr. Bell moved that the rules be suspended, bill considered engrossed, and read a third time, upon which the ayes and noes were demanded by

Messrs. Burch, Gregory, and Merritt, and taken, with the following result: Ayes, 19—noes, 5:

AYES—Messrs. Baker, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Phelps, Rogers, and Soule—19.

NOES—Messrs. Burch, Ferguson of Sierra, Gregory, Hamm, and Merritt—5.

EXCUSED—Messrs. Anderson and Allen were excused from voting.

So the bill was considered engrossed, read a third time, and passed.

Mr. Gregory gave notice that he would, on Monday, move a reconsideration of the vote by which the bill passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 11th instant, passed Assembly bill No. 157, an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma;

Also, Senate bill No. 75, an act to release B. S. Gray from liabilities to the state of California, on certain bonds;

Also, on yesterday, passed Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose;

Also, Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 27th, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road.

J. W. SCOBEEY, Clerk.

FEBRUARY 13, 1858.

Assembly bill No. 157 was read first and second times, and laid over over under the rule.

Assembly bill No. 111 was, on motion of Mr. Griffith, laid on the table.

The report of the Committee on Contingent Expenses, recommending payment of Shipley & Co., was taken up, and adopted.

Senate bill No. 67, an act concerning marks and brands, reported from the Committee on Agriculture, with substitute, was taken up, substitute adopted, and bill ordered engrossed, and read a third time.

On motion of Mr. Ferguson of Sacramento, substitute for Senate bill No. 25, an act to authorize the board of supervisors of the several counties of this state, to grant the right to construct wharves on the overflowed and submerged lands of this state to persons owning or possessing lands adjacent thereto, was taken from the table, and made the special order of the day for Wednesday, February 17th, at twelve o'clock, M.

Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own name, as sole traders, passed April 12th, 1852, was, on motion of Mr. Merritt, made the special order of the day for Wednesday next, February 17th, at two o'clock, P. M.

Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22d, 1850, was taken up.

Pending the discussion upon which, on motion of Mr. Burch, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

MONDAY, February 15, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of Saturday read and approved.

Mr. Coulter asked leave of absence, for one day, for Mr. Hart, which was granted.

Mr. Gregory asked leave of absence for Messrs. Thom and Pacheco, for one day, which was granted.

Mr. Griffith asked leave of absence for Mr. Burton, for Saturday and Monday, which was granted.

Mr. Soule asked leave of absence, for the day, for Mr. Sullivan, which was granted.

Mr. Johnson of Sacramento presented the claim of Messrs. Baker & Swinerton, for ventilator, etc., for capitol;

Also, the claim of James L. English, for professional services, etc.:

Which were referred to the Committee on Claims.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 30, an act to provide for the binding of minors, as apprentices, clerks, and servants, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Allen, chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage beg leave to make the following report:

Distance traveled by the committee appointed to visit the insane asylum, in going to, and returning therefrom, one hundred and eighty miles:

MEMBERS OF COMMITTEE.	MILES.	MILEAGE.
Melony, - - - - -	180	\$36 00
Taliaferro, - - - - -	180	36 00
Hamm, - - - - -	180	36 00

I. ALLEN, Chairman.

Report accepted, and passed on the
 Mr. Smith, chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President — Your Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 104, an act requiring the recorders of the counties of this State to forward to the Surveyor General certain affidavits in respect to swamp and overflowed lands, have had the same under consideration, and have instructed me to report a substitute, with a recommendation that it pass.

It is stated that unless certain evidence is procured, and immediately transmitted to Washington City, certain swamp and overflowed lands, about seven thousand acres in extent, will be sold under the act of June 22d of April, 1856, will be so May next by public auction, without bid now open.

The evidence heretofore reported, is as recommended above as possible, provided for transmitting the evidence, and, at the same time, suggests a withdrawal of these lands from market.

Believing this to be an essential enactment, your committee recommend its speedy passage.

JOHN C. BURNH, Chairman.

Report accepted, and, with bill, passed on the

Mr. Smith, of the Judiciary Committee, made the following minority report on Senate bill No. 1, an act to amend an act entitled an act to regulate proceedings in and cases by the courts of justice of this State, with amendments:

Mr. President — The undersigned, a portion of the Judiciary Committee, to whom were referred Senate bills No. 1 and No. 20 relative to the attachment law, beg leave to submit the following report:

It is the opinion of your committee, that an auxiliary law for the collection of debts would be of benefit, so that while they will prevent fraud and collusion on the part of the debtor, at the same time they will prevent business depression on the part of the creditor.

The law as it now stands, your committee believe to be hostile to both of these objects. In fact, it tends to place the honest debtor who strives to meet all of his obligations, at the mercy of perhaps a grasping and unscrupulous creditor, or, on the other hand, enables the fraudulent debtor, by collusion with that or dishonest creditors, to defraud all others out of their just demands.

It is therefore, the opinion of the undersigned, that the law should be so amended, so that, while it does not become a law of attachment for the same reasons which are now all-shall, at the same time, allow all other creditors to intervene in the same action, against the claims of other creditors and secure their own, and in the final disposition of the case, secure a just and proper portion of the assets of the debtor.

Your committee believe, that while this will prevent the possibility of collusion or fraud, it will also remove the creditor against the law and independent liability of a creditor for the same, and as the creditor will be protected from collusion by the direction of the hands of the debtor.

In coming to this conclusion, your committee have reported this out by attachment as one that should be to the committee as a remedial action, to be resorted to only in extreme cases, and then to be for the equal benefit of all.

Your committee would, therefore, recommend that Senate bill No. 20

be amended by striking out the first section, and that it then be referred to a select committee of three, with instructions to amend the remainder of the bill, in accordance with this report.

HUMPHRY GRIFFITH,
P. O. GOODWIN,
SAM. A. MERRITT.

Report accepted, and, with bill, placed on file.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was taken from the table.

Mr. Ferguson of Sacramento then moved to make the bill the special order of the day for Friday, February 19th, at twelve o'clock, M., which was carried.

Mr. Griffith moved to refer Senate bill No. 20, an act amendatory of and supplementary to an act to regulate proceedings in civil cases, passed April 29, 1851, to a special committee, to consist of Messrs. Goodwin, Griffith, and Merritt, which was carried, and the bill so referred.

On motion of Mr. Burch, the Senate took a recess until twelve o'clock.

IN SENATE.

Senate re-assembled at the appointed hour.

The President in the chair.

The hour having arrived for the consideration of the special order of the day, the message of the Governor, nominating and appointing Julius Korn, as port warden for the port of San Francisco, was taken up.

The question being on the confirmation of the appointment, the roll was called, with the following result: Ayes, 26—noes, 2:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Phelps, Rogers, and Taliaferro—26.

NOES—Messrs. Mesick and Soule—2.

So the appointment was confirmed.

Mr. Melony made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 81, entitled an act concerning lawful fences in the county of Contra Costa, have had the same under consideration, and respectfully report the same to the Senate, without amendment, and recommend its passage.

A. R. MELONY.

Report accepted, and, with bill placed on file.

Mr. Taliaferro, to whom was referred Senate bill No. 24, an act concerning lawful fences in Marin county, made a verbal report, with substitute, recommending the passage of the substitute.

Report accepted, and, with bill, placed on file.

Mr. Ferguson of Sacramento introduced a bill for an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles,

The president in the chair.

The roll was called.

Journals of yesterday read and approved.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following bills, and recommend that they be paid out of the contingent fund :

Bill of David Kendall,	-	-	-	-	-	-	-	\$5 00
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Bill of J. T. Knox,	-	-	-	-	-	-	-	5 00
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The committee also recommend the payment of the Sacramento post-office, for stamps and envelopes, one hundred and thirty-six dollars; and the bill of Wells, Fargo & Co., for stamps, one hundred and twenty-five dollars, from the post-office and express fund.

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Holden, chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 11, entitled an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated for a seminary of learning, have had the same under consideration, and the undersigned report the bill back, with the following amendments, and recommend its passage, as amended :

First—After the word “prefers,” in the fifth line of section six of printed bill, insert, “and pays twenty per cent. of the purchase money.”

Second—In line eighth of same section, strike out all between “on” and “land,” and insert, “the amount yet due on said land.”

Third—Strike out, in next line, *all in parentheses*.

Fourth—At the end of section twelve, add the following proviso: “And provided, also, that all certificates of land located under the provisions of an act passed May 3, 1852, entitled an act to provide for the disposal of the five hundred thousand acres of land granted to this state by an act of Congress, passed April 4, 1851, which have been recorded by the recorders of the counties of this state, are hereby made and declared to be as valid and effectual, to all intents and purposes, as though such certificate had been recorded by the clerk of the county court, under the provisions of section eleven of said act.

HOLDEN,
MELONY.

Report accepted, and placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 67, an act to amend an act concerning marks and brands, passed May 1, 1851, and an act amendatory thereof, passed March 30th, 1858; and find the same correctly engrossed;

Also, have examined Senate bill No. 23, entitled an act amendatory of and supplementary to an act entitled an act to provide for the formation

of corporations for certain purposes, passed April 14, 1887, and an act entitled an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1887," passed April 14, 1887, and had the same accordingly approved.

WM. T. LEWIS, Chairman.

Report accepted and vote taken, passed as follows:

INTRODUCTION OF BILLS.

Mr. Phelps introduced a bill for an act to amend an act entitled an act authorizing the formation of corporations for the construction of public and private roads, passed May 11, 1886.

Which was read first and second times, and referred to the Committee on Corporations.

Mr. Phelps introduced a bill for an act granting the rights of vote and certain kinds of franchise to the members of the Freedmen and Fair Union.

Which was read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Chase, Senate bill No. 10, an act supplementary to and amendatory of an act to provide redemptions for the support of the government of the state, passed April 25, 1887, was taken from the table, and made the special order of the day for Tuesday, February 18th, at twelve o'clock, a.

Mr. Griffin offered the following resolution, which was adopted:

Resolved That a special committee of three be appointed by the president to inquire as to the amount of interest-bearing bonds that has been sold in the way of raising of the Freedmen's fund, the cause of the failure to collect the same, and to report such committee as to their opinion as to the necessity to make the prompt payment of all arrears, as well as to certify the same.

The chair announced to the committee, Messrs. for their statements of expenditures, and Messrs.

Mr. Halsey presented the statement of Messrs. for their for the Freedmen's Union, passed December 18, 1887, and J. H. Halsey, for expenditures of said committee, which were referred to the Committee on Finance.

Mr. Gregory called to order from the table Assembly joint resolution for a resolution to the Freedmen's Union.

Which was carried.

Mr. Gregory offered the following amendments, which was adopted:

Resolved That the committee, by voting at the end of the last day, the vote of the other purposes.

Mr. Halsey moved to amend the bill, by adding to the last line the words "or for other purposes," which was carried, and the committee as amended was then read a third time, and passed.

Mr. Halsey, chairman of the Committee on Freedmen's Union, made the following report:

Mr. President — Your Committee on Freedmen's Union have examined Senate bill No. 10, an act supplementary to and amendatory of an act

to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants.

Also, Senate bill No. 120, an act to authorize the board of supervisors of Siskiyou county to levy an additional tax for county expenditures.

And herewith, in compliance with the request of the Senate, return to your honorable body, Assembly bill No. 127, an act concerning the collection of delinquent school taxes in the city of Sacramento.

J. W. SCOBEEY, Clerk.

FEBRUARY 16, 1858.

On motion of Mr. Ferguson of Sacramento, the vote by which the Senate passed Assembly bill 127, was reconsidered.

Mr. Ferguson of Sacramento, then moved to reconsider the vote by which the bill passed to its third reading,

Which was carried.

And, on motion, the bill was referred to the Sacramento delegation.

GENERAL FILE.

Senate bill No. 67, an act to amend an act concerning marks and brands, passed May 1, 1851, and an act amendatory thereof, passed March 30, 1857, was read third time, and passed.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853; and an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853—passed April 30, 1855, was read a third time.

Mr. Anderson moved to lay the bill on the table,

Which was lost.

Pending which, the hour of twelve o'clock having arrived, Mr. Bell called for the special order of the day.

SPECIAL ORDER.

Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up.

Mr. Baker, by leave, made the following additional report :

MR. PRESIDENT:—The joint committee upon the subject of the constitutional convention, since their report, heretofore made, having found that the legal question involved has been decided by Judge McKinstry, of the seventh district, of this state, beg leave to submit this further report :

By reference to the statutes of 1854, page two hundred and eight, an act to locate the county seat of Sonoma county anew will be found. In the first section of this act, providing for a vote of the people on the location of the county seat, is this language, to wit :

“And it shall be the duty of the county judge to give due notice there-

of directing the qualified voters of Sonoma county to vote for or against the new county seat at the next general election, by printing or writing on the back of the tickets "for" or "against" the new county seat, and if the site selected shall receive a majority of the votes cast at such election, then it shall be the county seat of Sonoma county, otherwise the county seat shall be at Sonoma."

The vote cast on the county seat question was comparatively small, there not being a majority of the whole, but simply a majority of those voting on this question. The language of the statute is the same as that in the constitution. The decision of the judge, which is clear and conclusive, is as follows, to wit:

STATE OF CALIFORNIA, }
District Court 7th District, for Sonoma county. } *November Term, 1854.*

Christopher Blakeney v. The Board of Supervisors of Sonoma county.—It was immaterial what was the total number of votes cast at the general election in the counties of Mendocino and Sonoma, or what was the number thrown in the two counties, (together,) for or against the new county seat.

It appears by the agreed statement, that the board of supervisors gave "an act to locate the county seat of Sonoma county anew," a certain construction they believed the Legislature intended—that in case at the election therein provided for, a majority of the votes thrown for or against the new site, should be cast in its favor, then the new site should be the county seat of Sonoma county.

Petitioner and plaintiff says the board of supervisors have misinterpreted the statute. If their construction was wrong, what is the correct one? It is contended that to justify an order of removal, the new site should have received a majority of all the votes cast in the county at the general election aforesaid: that the only election spoken of in the act is the next general election, and the language of the statute is positive and unequivocal. If the site selected by the commissioners shall receive a majority of the votes cast at such election, then it shall be the county seat of Sonoma county, otherwise the county seat shall be at Sonoma.

It is also said that the court should give to the Legislature credit for having acted with an eye to the principles of sound public policy, which would be violated were the county seat to be moved from one locality to another for trivial or transient causes, and without a fair, full, and perfect expression of the public sentiment. It is further contended that the construction placed on the statute by the plaintiff harmonizes with the spirit of the general law and legislative action.

Doubtless the law-makers have considered the location of a county-seat, and the mode of removing it from one point to another, as a subject of peculiar importance. In its original establishment, the public good will be presumed to have been consulted, and its locality should not be changed to gratify a partial, temporary, and merely local prejudice, or even inconvenience. In the general act in regard to this subject, the Legislature has endeavored to insure due deliberation, on the part of the voters, by requiring that a petition, praying for the removal, shall be widely circulated among them, previous to the order for an election. For the same reason, and perhaps also to prevent combinations which would thwart the unbiased expression of the public sentiment, the election provided for is made *special*, and in order that the convenience of a county, as a whole, should not be sacrificed to that of a particular locality, having a more

considerable population than any other, it is declared that a mere plurality shall not operate as an order of removal, but that a majority of the votes shall be requisite to consummate it.

Under a special election, ordered by a county judge in accordance with the general law, at which but the single matter of a removal could be agitated, no such question as that before me could arise, in point of fact, at such an election. Many persons, duly qualified, would neglect or refuse to cast their ballots; could such neglect be construed otherwise than as such want of interest in the matter as amounts to an approval of whatever those who did vote might chose to determine?

By the particular statute relating to the removal of the Sonoma county seat, the Legislature decided *directly a fact*, which the general law provided an indirect mode of ascertaining, viz.: that there was sufficient objection to the existing county seat to render it proper that the public voice should be heard on the question of removal. The Legislature, also, perhaps to provide a new check upon a hasty and ill-considered removal, narrowed down the action of the people to a choice between Sonoma and the new site, not extending to the citizen the right to vote for any other than one of those two places. The Legislature did *not* determine that the vote in regard to the removal should be taken at a different time from the vote in relation to other matters. Perhaps experience had shown that at special elections there is always a small attendance at the polls, and the purpose and intent of the change in this respect may have been to get a fuller expression of popular opinion than could have been obtained were the vote taken specially. At all events, the mere fact that this vote was to be taken at the general election, does not prove that it was the purpose of the law to provide an arbitrary standard of ascertaining the public wish, a standard unusual, and for establishing which no satisfactory reason has been urged.

I cannot perceive that the general laws in relation to the removal of county sites, or in respect to the voting of citizens on other matters, tend to show that the supervisors have mistaken the meaning of the statute under which they acted.

The Legislature, in the exercise of its sovereignty, could have made Santa Rosa the county seat. But since a removal affected particularly the interests of the citizens of the county, and was a subject on which they were supposed to be particularly informed, that body saw fit to take the opinion of the voters in the most convenient manner circumstances would permit. It gave them a choice between Sonoma and Santa Rosa, and it told them they must exercise the choice at the next general election. Still, in all this, there is no evidence of any intention of establishing a new rule for determining the popular will, and unless the language of the statute is clear and explicit indeed to the contrary, it will be presumed that it was designed that a majority of those voting on the county seat question should decide it. This presumption is strengthened and approved by past legislative action—by the very theory of our government. The Legislature, having provided a mode, with proper restrictions, for the expression of the public will in regard to the matter, had done its duty in the premises. The county judge, who ordered the election, performed his duty, and it remained for the citizen at the polls to discharge his own, a refusal so to do, can bear but the construction I have given it. The right of suffrage is a *privilege*, and laws are not made to *enforce* the exercise of it.

The constitution of this state was adopted by a majority of those who saw fit to vote for or against it, and so became the *supreme law* to us all.

All state and county officers are chosen according to similar rules; the voters who remain silent, being supposed to acquiesce in the opinion of the plurality of those who speak.

From the above considerations, I am of opinion that the construction given the act of defendants, harmonizes with the spirit of the legislative action, while I see nothing in that construction which is contrary to public polity.

The purpose of the law is shown by its title, an act to locate the county seat of Sonoma county anew, and there is nothing in the general wording or tenor of it, to imply that it was intended that the desire of the people in reference to the matter, should be displayed in a manner differing from that in which the will of the people is usually exhibited. True, the general election is spoken of, but the election provided for by the statute, is one at which the people may determine between Sonoma and the new site. This is the election that the word "such" refers to; an election which was connected with that of members of Congress or Assembly, only by identity of time. I regard the words "general election," as only descriptive of the time when the election provided for by the act was to be holden.

We must give to the statute a reasonable construction. How would the petitioner estimate the number of votes cast "at such election?" Certainly it would be unreasonable to suppose that the law-makers intended to allow persons, not residents of the county—*foreigners*, so far as this question is concerned, whose interests are in nowise affected by the location of the site of justice—to determine the removal or non-removal. Yet the "highest vote" cast at the general election, may have been, and very possibly was thrown for a member of Congress, or for the state senator; and persons, not residents of the county, may lawfully have voted for either of those officers. Counsel argued that the objection taken at the polls, that a person offering a vote is a non-resident of the county, is conclusive. I do not think such a vote must be rejected necessarily. True, the inspectors have no authority to *open* his ballot, but if *he* opens it and displays its contents, he may claim to vote for district officers, provided he be a resident of the district, and possess the other required qualifications.

It is urged, that the great disparity (300) between the "highest vote" given and the vote on the county seat, renders it very improbable that the difference was caused by foreign ballots. This is true. But if *one* foreign vote was cast in the county for a member of Congress or senator, it is sufficient to show how extremely vague and uncertain is the standard by which the petitioner would estimate the wish of the citizens of the county in regard to the removal of the site. We must suppose, that if it had been the purpose of the Legislature to establish so unusual and indefinite a mode of estimating the vote, that purpose would have been more clearly expressed. Again, if the vote is to be counted as claimed by the petitioner, why does the statute provide for the polling of the *negative* ballots. This would be wholly unnecessary, since, according to his reading, there would be but these two questions to determine: First, what is the whole number of votes cast? and second, what number was cast for the new county site?

Another clause of the statute, in effect, requires that, before a removal "a majority of the *legal votes of Sonoma county* shall *ratify* the new county seat." To adopt the reasoning of the *petitioner*, how would one determine the fact, that the legal voters *had* ratified the new site? By estimating the vote given on the question? He replies, no. By calculating the

"highest vote" cast in the county for any officer? He says, yes. But independent of the objection to this mode above urged, and of the fact, that it must be "ratified by the legal votes of Sonoma county," no doubt many, having all the qualifications necessary, did not *vote at all*; therefore, to arrive at the number of *actual legal* voters in Sonoma county, we should be obliged to proceed to a long and tedious, if not resultless, investigation.

In conclusion, to give the statute any other interpretation than that adopted by the board of supervisors, would be to suppose that the Legislature, for no apparently sufficient reason, had laid out an unusual and arbitrary course, while the construction of the board seems natural, reasonable, and in consonance with the spirit of the law.

It is, therefore, ordered, that judgment be rendered in favor of defendants, and that the proceedings of the board of supervisors stand approved.

E. W. McKINSTRY, Judge Seventh District.

All of which is respectfully submitted.

J. H. BAKER, Chairman,
JOHN C. BURCH,
SAM. A. MERRITT,
JAS. O. HAMM,
A. A. H. TUTTLE,
S. W. HOLLADAY.

Mr. Anderson moved that the usual number of the additional report be ordered printed, which was lost.

Mr. Anderson then moved to make the bill the special order of the day for to-morrow, Wednesday, February 17, at twelve o'clock, M., and on every day thereafter, until the bill is disposed of.

Mr. Goodwin moved to amend by making the bill the special order for March 3, at twelve o'clock, M.

Question on Mr. Anderson's motion was put and lost.

Mr. Mesick moved to make the bill the special order for next Tuesday, February 23, at twelve o'clock, M., and on every day thereafter, until disposed of, which was carried.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 16, 1858. }

To the Senate and Assembly of California:

I transmit herewith a copy of a communication received on yesterday from the Attorney General, in regard to pardoning an escaped convict from the penitentiary, whose testimony is deemed important in some indictments for murder now pending in Del Norte county. If it is considered advisable, the provisions of the act passed May 18, 1853, prescribing the manner of applying for pardons, can be so modified as to allow the Executive in this case to dispense with the notice of publication required in the second and third sections of said act.

JOHN B. WELLER, Governor.

ATTORNEY GENERAL'S OFFICE. }
Sacramento, February 15, 1858. }

SIR:—I have just received a communication from the district attorney of Del Norte county, informing me that the testimony of one Cyrus W.

Deable is necessary to the conviction of the murderers of Max. Rothenheim, *to wit*, Bill Judd, Eli Judd, and — Walker, who are notorious thieves and highwaymen. It is the opinion of the district attorney that a conviction cannot be had without the testimony of Deable. But it appears that Deable is an escaped convict, who was sentenced to the state prison in El Dorado county, in August, 1855, for three (3) years, and escaped on the 6th of December, 1856.

It is important that the Judds and Walker should be at once prosecuted for the murder of Rothenheim, and I would therefore suggest, whether it would not be better that an act be passed by the Legislature authorizing the pardon of Deable, without complying with the provisions of the act of May 18, 1853, prescribing the manner of applying for pardons.

The delay in this instance, consequent upon complying with the provisions of the act named, would be injurious, without any possible good.

Respectfully yours,

Signed.

THOS. H. WILLIAMS.

To His Excellency, JOHN B. WELLER.

On motion of Mr. Taliaferro, the message and communication were referred to the Judiciary Committee.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 12th February, instant, passed Assembly bill No. 117, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2, 1857.

J. W. SCOBEE, Clerk.

FEBRUARY 16, 1858.

Assembly bill No. 117 was read first and second times, and referred to the senator from the twelfth district.

Senate bill No. 23, under consideration when the special order was taken up, was resumed.

Mr. Ferguson of Sacramento moved to recommit the bill to the Committee on Manufactures, with instructions to strike out all of section two, with the exception of the "*Proviso*," which was carried.

On motion of Mr. Burch, Senate bill No. 104, an act requiring county recorders to forward to the Surveyor General certain affidavits in relation to swamp and overflowed lands, was taken up, with substitute reported from Committee on Swamp and Overflowed Lands, and considered.

Substitute of committee adopted, considered as in Committee of the Whole, and reported back.

IN SENATE.

On motion of Mr. Burch, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22d, 1850, was considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read a third time.

Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate, was considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, bill read a third time, and passed.

Senate bill No. 92, an act concerning county treasurers, was, on motion of Mr. Phelps, laid temporarily on the table.

Senate bill No. 78, an act to authorize the district attorney of the city and county of San Francisco to appoint an assistant, and to fix his salary, was referred to the San Francisco delegation.

Mr. Allen, chairman of the Committee on Manufactures, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 23, with special instructions, beg leave to report the same back, and recommend that section two, with the exception of the last proviso in said section, be stricken out.

ISAAC ALLEN, Chairman.

Report accepted, and, with bill, placed on file.

Senate bill No. 90, an act to amend an act entitled an act concerning the courts of justice of this state and judicial officers, passed May 19th, 1853, was considered as in Committee of the Whole.

IN SENATE.

Amendment of committee adopted, and bill ordered engrossed, and read a third time.

On motion of Mr. Merritt, the vote just taken was reconsidered, and Mr. Griffith offered the following amendment:

Strike out the words "hear and dispose of all motions and applications for new trials,"

Which was lost.

The bill was then ordered engrossed, and read a third time.

The report of the Committee on Mileage was taken up and adopted.

Assembly bill No. 81, an act concerning lawful fences in the county of Contra Costa, was read a third time, and passed.

Substitute for Senate bill No. 24, an act to amend the act of April 27th, 1855, concerning lawful fences, reported from delegation from Marin, substitute adopted, and on motion of Mr. Taliaferro, the rules were suspended, bill considered engrossed read third time, and passed.

Assembly bill No. 157, an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma, was considered as in Committee of the Whole.

IN SENATE.

Bill read third time, and passed.

The report of the Committee on Contingent Expenses was taken up, and adopted.

Senate bill No. 11, an act to provide for the location and sale of the balance of the five hundred thousand acres of land donated to this state, for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, was, on motion of Mr. Holden, made

the special order of the day for Thursday, February 18th, at twelve o'clock, M.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853, and an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853—passed April 30th, 1855, was considered as in Committee of the Whole.

IN SENATE.

Amendments adopted.

Mr. Soule offered the following amendment:

Strike out "1280," and insert "1440."

Upon which the ayes and noes were demanded by Messrs. Melony, Lewis, and Johnson of Sacramento, and taken, with the following result: Ayes, 15—noes, 14:

AYES—Messrs. Allen, Berry, Bell, Chase, Ferguson of Sierra, Garter, Holden, Johnson of Sacramento, Melony, Pacheco, Phelps, Rogers, Soule, Taliaferro, and Thom—15.

NOES—Messrs. Anderson, Baker, Burch, Coulter, Dickinson, Grant, Gregory, Griffith, Hamm, Hart, Johnson of El Dorado, Ketchum, Lewis, and Merritt—14.

So the amendment was adopted.

Mr. Thom moved to suspend the rules, and consider the bill engrossed.

Upon which the ayes and noes were demanded by Messrs. Anderson, Gregory, and Johnson of El Dorado, and taken, with the following result: Ayes, 19—noes, 10:

AYES—Messrs. Allen, Berry, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Grant, Hart, Holden, Johnson of Sacramento, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, Taliaferro, and Thom—19.

NOES—Messrs. Anderson, Baker, Burch, Dickinson, Gregory, Griffith, Hamm, Johnson of El Dorado, Ketchum, and Lewis—10.

So the Senate refused to suspend the rules, and the bill was ordered engrossed, and read a third time.

Senate bill No. 92, an act concerning county treasurers, temporarily laid on the table, was taken up.

Mr. Phelps offered the following amendment:

"*Provided*, Comptroller's warrants received for taxes by the treasurer of San Mateo county, prior to the 15th day of January, 1857, shall be received from him by his complying with section second of this act, not exceeding in amount five hundred dollars."

Pending which, on motion of Mr. Gregory, the bill was again laid on the table.

Mr. Griffith asked leave of absence for Mr. Burton, for one day, which was granted.

Mr. Soule asked leave of absence for Mr. Sullivan, for one day, which was granted.

Mr. Griffith offered the following resolution, which was adopted:

Resolved, That the Treasurer of State be and is hereby requested to report to the Senate the amount of money received by him from the sale of swamp and overflowed lands under the act of April 28, 1855.

Mr. Merritt moved to take from the table the claim of E. L. Brown, and refer the same to the Committee on Claims, which was carried.

Mr. Baker moved that the Senate do now adjourn, which was lost.

Mr. Soule offered the following resolution, which was lost :

Resolved, That a committee of three be appointed by the president, with power to send for persons and papers, to ascertain whether two of the port wardens, now in commission for the port of San Francisco, are master mariners, as required by law, and report the result of their investigations to this body.

On motion of Mr. Burch, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, February 17, 1858.

Senate met pursuant to adjournment.

Mr. Merritt, president *pro tem.*, in the chair.

Roll called.

Journals of yesterday read and approved.

President in the chair.

Mr. Johnson of Sacramento presented the petition of Joseph Nongues, praying for relief, which was referred to the Committee on State Prison and Public Buildings.

Mr. Baker presented the petition of citizens of Placer county, praying for a division of said county, which was referred to the Committee on Counties and County Boundaries.

Mr. Garter, chairman of the Enrolling Committee, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills report, that on the 16th day of February, 1858, at half-past three o'clock, P. M., they presented to the Governor, for his approval, Senate bill No. 103, an act supplementary to and amendatory of an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858.

E. GARTER, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Phelps introduced a bill for an act to amend an act to regulate proceedings in civil cases in the courts of justice of this state, which was read first and second times, and referred to the Judiciary Committee.

Mr. Gregory moved to reconsider the vote by which the Senate passed Assembly joint resolution No. 4, relative to the Monterey Redoubt.

Carried.

Mr. Gregory moved to reconsider the vote by which the resolution passed to its third reading.

Carried.

Mr. Gregory then moved to amend by inserting the word, "educational," before the word "purposes."

Adopted.

The resolution was then read a third time.

Mr. Melony moved to amend the title by inserting the word, "educational," before the word "purposes."

Carried.

The resolution, as amended, was then adopted.

Mr. Johnson of El Dorado moved to reconsider the vote by which the Senate passed a resolution requesting the State Treasurer to report the amount of money received from the sale of swamp and overflowed lands.

Carried.

Mr. Griffith moved to amend the resolution by striking out the word, "Treasurer," and inserting "Comptroller."

Carried.

The resolution was then adopted.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 25, an act to authorize the board of supervisors of the several counties of this state, to grant the right to construct wharves on the overflowed and submerged lands of this state, to persons owning or possessing land adjacent thereto, was taken up, and considered as in Committee of the Whole.

On motion of Mr. Griffith, the bill was made the special order of the day for Monday, February 22, at twelve o'clock, M.

Mr. Ferguson of Sacramento introduced a bill for an act to amend an act to provide for the sale of the swamp and overflowed lands belonging to the state, passed April 28, 1855.

Read first and second times, and, on motion of Mr. Ferguson of Sacramento, the usual number of copies were ordered printed, and bill referred to the Committee on Swamp and Overflowed Lands.

The further special order of the day, Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852, was then taken up.

Mr. Merritt moved to suspend the rules and consider the bill engrossed.

Lost.

The question being on ordering the bill engrossed and read a third time, the ayes and noes were demanded by Messrs. Chase, Berry, and Burch, and taken, with the following result: Ayes, 19—noes, 11:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Holden, Johnson of El Dorado, Ketchum, Merritt, Pacheco, Rogers, Soule, and Thom—19.

NOES—Messrs. Bell, Chase, Ferguson of Sacramento, Grant, Griffith, Hart, Johnson of Sacramento, Lewis, Melony, Phelps, and Sullivan—11.

So the bill was ordered engrossed, and read a third time.

On motion of Mr. Gregory, Senate bill No. 92, an act concerning county treasurers, was taken from the table.

The following amendment, offered by Mr. Phelps, was adopted.

"*Provided*, Comptroller's warrants, received for taxes by the treasurer of San Mateo county, prior to the fifteenth day of January, 1857, shall be received from him, by his complying with section second of this act, not exceeding in amount five hundred dollars."

Mr. Melony offered the following amendment, which was adopted :

Strike out the word "January," and insert "March."

The bill was then ordered engrossed, and read a third time.

On motion of Mr. Merritt, Senate bill No. 6, an act supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken from the table.

Mr. Merritt moved to make the bill the special order of the day for Friday, February nineteenth, at twelve o'clock, M.,

Which was carried.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 16, 1858. }

To the Senate of California :

I have this day approved an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858.

JOHN B. WELLER, Governor.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county ;

Also, bill No. 63, an act to audit the claim of Wm. Ford ;

Also, bill No. 95, an act to audit the claim of H. W. Larkin ;

Also, bill No. 96, an act concerning the official bonds of public administrator and coroner of Yolo county ;

Also, bill No. 52, an act concerning the office of county clerk of Placer county ;

Also, concurrent resolutions Nos. 8 and 18 ;

And find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

On motion of Mr. Griffith, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

J. T. EWING, Ass't Sec'y Senate.

IN SENATE.

THURSDAY, February 18, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Taliaferro presented the petition and claim of Samuel Warren, for wood furnished the state prison in the year 1855, which were referred to the Committee on Claims.

Mr. Burton presented Comptroller's warrants Nos. 589, and 590, for the claim of James Chambers, for labor and materials for state prison in 1855, which were referred to the Committee on Claims.

Mr. Thom presented the claim of El Clamor Publico, for publishing and translating into the Spanish language, the law providing for the payment thereof;

Also, the claim of the Los Angeles Star, for printing done for the state in 1854, and 1855;

Which were referred to the Committee on Claims.

Mr. Taliaferro presented the claim of sloop Pet and owner, for transporting freight and passengers to and from state prison, which was referred to the Committee on Claims.

On motion of Mr. Burton, J. P. Madden was granted leave to withdraw certain papers relating to his claim, from the Committee on Claims.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined the following bills:

Senate bill No. 90, an act to amend an act entitled an act concerning the courts of justice of this state, and judicial officers, passed May 19, 1853;

Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own name as sole traders, passed April 12, 1852;

Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850;

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853; and an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853—passed April 30, 1855;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, and placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 55, an act concerning chattel mortgages in this state, have had the same under consideration, and recommend that it be indefinitely postponed.

Also, Assembly bill No. 87, an act to authorize the executor and administrator of John Ellüg, deceased, to sell the real estate of said deceased at public or private sale, and recommend its passage as amended:

Amend section three, line two, by striking out the words "may in his discretion," and insert the word "shall."

Also, amend section three, by adding to the sixth line, the following:

commended for the faithful manner in which they have discharged their arduous duties. Indeed, it can be said of all connected with this institution, that they seem to fully appreciate the importance of the trust imposed upon them, and to endeavor, by a faithful performance of their duties, to make this place a spot where only kindness and genuine sympathy should reign, and where all that is possible to be done should be done to mitigate the sufferings of their unfortunate fellow-beings. For the improvements and changes that have been made under the present administration of the asylum, we would respectfully refer your honorable body to the reports of the trustees and resident physician, all of which we found had been truly laid before you in their reports.

The committee entirely agree with that portion of the report of the physician where he says: "The insane asylum of California has never been supplied with the fixtures, conveniences, and accommodations necessary to the well-being of its patients."

The wants of this institution have been very fairly set forth by him in his report, to all of which we would call your earnest attention, and to the reasons there assigned why we should meet those wants by the still further appropriation. We would, without going into details, earnestly recommend an appropriation, for the following measures: For the construction of a brick wall; two mad-houses for the male and female patients; the houses for the males should contain at least forty cells, and that for the females, fifteen; bathing-rooms and privies for each of the wards; a store-house; iron bars for the windows, and a thorough repair of the southern wing. The inner portion of this wing is in so dilapidated a condition, that there is absolute danger of its falling entirely in. The iron bedsteads now in use are of so frail a structure, that they can be easily torn to pieces by a maniac, and furnish him with a very formidable instrument of destruction. We would recommend their entire substitution by others of a more substantial make.

Appropriations for the above purposes, we deem absolutely necessary for the safe-keeping and comfort of the patients. Insanity prevails to an alarming extent in this state. The statistics show that it is steadily on the increase. We believe that the causes of it operate more strongly here than in any other portion of the world. It is no respecter of persons; it falls alike upon the high and low, and we know not how soon one of ourselves, or some dear friend, may be the victim of this dreadful malady. We should, then, not be parsimonious in our efforts to relieve and ameliorate their condition. California has already just cause to be proud of this institution. It stands as a lasting monument of her philanthropy and humanity. Let us so manage it, then, that it may ever continue to be the pride and boast of our state.

We would suggest here, that in the event of the state coming in possession of the state prison, the expenses in making these improvements could be considerably lessened. The bricks, iron bedsteads, and bars, could be made at the prison, at a comparatively little cost.

We unanimously agree in recommending that the act of '53, establishing an insane asylum, should be so amended as to extend the term of office of the physician from two years to the full constitutional limit. In most, if not all, other institutions of this kind, these offices are held during good behavior, because more experience and practice are needed to fill them efficiently than in probably any other vocation. We would have recommended a similar practice, but for the barrier our constitution imposes, which limits the term of office to four years.

For the purpose of carrying out the various recommendations of this

report, we will, at an early day, introduce a bill, and will earnestly recommend it to your favorable consideration.

ALFRED TALIAFERRO, Chairman.
S. F. HAMM.

On motion of Mr. Taliaferro, the reading was dispensed with, and the report accepted.

On motion of Mr. Holden, Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated for a seminary of learning, was made the special order of the day for Saturday, February 20, at half-past eleven o'clock, A. M.

Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852, was placed on calendar.

On motion of Mr. Griffith, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

FRIDAY, February 19, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Melony moved to take from the table Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April 29th, 1857, which was carried.

Amendment of Finance Committee adopted, and, on motion of Mr. Melony, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Grant presented the claim of James Allen, late State Printer ;

Also, the claim of G. L. Dudley, with Comptroller's warrants Nos. 593, 594, 596, 597, and 604 ;

Also, the claim of John Dobson, with Comptroller's warrant No. 598 ;

Also, claim of F. W. Bradley, with Comptroller's warrants Nos. 602 and 599, each for \$5,000, for work on state prison, which were referred to the Committee on Claims.

Mr. Burton presented the claim of Joseph Hamilton, with Comptroller's warrants Nos. 591 and 592, for \$5,000 each, for labor on state prison, which were referred to the Committee on Claims.

PETITIONS.

Mr. Rogers presented petitions from citizens of Tuolumne, praying for the passage of a Sunday law, which were referred to the Committee on Public Morals.

Mr. Chase presented petitions from citizens of Nevada, praying the passage of a Sunday law, which were referred to the Committee on Public Morals.

Mr. Bell presented the petition of the board of supervisors of Alameda

county, praying that so much of the act passed at the session of 1857, fixing the compensation of certain officers in certain counties of this state, should not be altered so far as relates to Alameda county, which was read, and referred to the senator from Alameda.

Mr. Bell presented a memorial signed "More Distillers of San Francisco," referring to a memorial, heretofore presented to the Senate, by Dows & Co., and Henry S. Brown, distillers, also of San Francisco, praying for a repeal of the office of state gauger, which the secretary proceeded to read, when, on motion of Mr. Pacheco, the further reading was dispensed with, and the memorial referred to the Committee on Agriculture.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Senate bill No. 12, an act making an appropriation to pay M. F. Butler, have had the same under consideration, and have instructed me to report the same back, with an amendment, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Garter, chairman of Committee on Enrollment, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills report that on the 18th day of February, A. D., 1858, at four o'clock, P. M., they presented to the Governor, for his approval, the following bills :

Senate bill No. 95, an act to audit the claim of H. W. Larkin ;

Also, Senate bill No. 63, an act to audit the claim of Wm. Ford ;

Also, Senate bill No. 96, an act concerning the official bonds of public administrator and coroner of Yolo county ;

Also, Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county ;

Also, Senate bill No. 52, an act concerning the office of county clerk of Placer county.

E. GARTER, Chairman.

• Report accepted.

MR. PRESIDENT :—Your Committee on Enrolled Bills have examined Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of said county to levy a special tax for that purpose, and find the same correctly enrolled.

E. GARTER, Chairman.

Mr. Berry verbally reported back Assembly bill No. 117, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2, 1857, with the recommendation that it be referred to the Judiciary Committee.

Report adopted, and bill so referred.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 80, an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855 ;

Also, Assembly bill No. 123, an act making an appropriation for the salary of draughtsman, in Surveyor General's office, from the first day of January, A. D., 1858, to the thirteenth day of June, A. D., 1858, inclusive ;

Also, Assembly bill No. 128, an act relative to the board of supervisors of Yolo county.

J. W. SCOBEEY, Clerk.

Assembly bill No. 80 was read first and second times, and referred to the delegation from the sixth district, Mr. Merritt.

Assembly bill No. 123 was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 128 was read first and second times, and referred to the delegation from the tenth district, Mr. Griffith.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate ;

Also, concurred in Senate amendments to Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy ;

Also, in those of Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857 ;

Also, passed Senate bill No. 43, an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale ;

Also, Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers, and issue certain bonds ;

Also, Senate bill No. 107, an act to audit the claim of Augustin Ainsa, for translating the Laws of 1856 into the Spanish language ;

Also, Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraph information.

J. W. SCOBEEY, Clerk.

FEBRUARY 19, 1858.

Assembly bill No. 92 was read first and second times, and referred to the Judiciary Committee.

Mr. Melony, by leave, made the following report :

MR. PRESIDENT :—The undersigned, one of your committee, to whom was referred Assembly bill No. 44, entitled an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof, has had the same under consideration, and respectfully report the same, and recommend its passage.

A. R. MELONY.

Report accepted.

Mr. Bell, by leave, made the following report :

MR. PRESIDENT :—The undersigned, of the delegation from Contra Costa and Alameda, to whom was referred an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof, beg leave to report the bill to the Senate, and most respectfully recommend its passage, with the following amendment : Insert in section one, in line one of the bill, after the words B. C. Whitman, "A. M. Brocklebank."

S. B. BELL.

Report accepted.

Mr. Melony moved to suspend the rules, and consider the bill now,
Which was carried.

The question being on the adoption of the amendment of Mr. Bell, the hour having arrived for the consideration of the special order of the day, on motion of Mr. Melony, the special order was postponed temporarily, in order to consider the bill now before the Senate.

After debate, on motion of Mr. Bell, the bill and reports were laid on the table.

SPECIAL ORDER.

Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up.

Mr. Burton in the chair.

After much debate, the president resumed the chair.

The question being on the passage of the bill,

Mr. Merritt moved a call of the Senate.

Which was carried.

Mr. Bell moved that further proceedings under the call be dispensed with.

Which was lost.

Mr. Ferguson of Sacramento appearing at the bar of the Senate, was admitted.

On motion of Mr. Taliaferro, further proceedings under the call were dispensed with.

On motion of Mr. Burton, the special order was temporarily laid over, in order to consider the following message from the Assembly :

MR. PRESIDENT :—The Assembly have, this day, passed Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857, with an amendment, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

FEBRUARY 19, 1858.

Senate bill No. 127 was taken up, and the amendment of the Assembly concurred in.

Mr. Grant, by leave, presented the claim of Edward Lander, through his attorney, C. H. West, with the following Comptroller's warrants, for provisions furnished state prisoners, and for labor and material for state prison :

No.	Date of Warrant.	Amount.
612	December 4, 1855, - - - - -	\$5,000 00
611	December 4, 1855, - - - - -	5,000 00
682	December 17, 1855, - - - - -	640 00
684	December 17, 1855, - - - - -	150 00
687	December 17, 1855, - - - - -	150 00
757	December 31, 1855, - - - - -	755 20
710	December 26, 1855, - - - - -	265 51
709	December 26, 1855, - - - - -	500 00
698	December 17, 1857, - - - - -	658 57
689	December 17, 1857, - - - - -	500 00
688	December 17, 1855, - - - - -	589 59
Total, - - - - -		\$14,208 77

Which were referred to the Committee on Claims.

Also, the claim of John Benson, by C. H. West, his attorney, with Comptroller's warrant No. 595, for \$5,000, for labor and material at state prison.

Referred to the Committee on Claims.

Mr. Merritt in the chair.

SPECIAL ORDER RESUMED.

Senate bill No. 36; question being on the final passage of the bill, pending discussion, Mr. Taliaferro moved to adjourn, which was withdrawn, and, according to previous notice,

Mr. Anderson moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 23, relative to corporations.

Mr. Burch moved to lay the motion to reconsider on the table.

Carried.

Mr. Taliaferro then renewed his motion, and the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

SATURDAY, February 20, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Allen.

Journals of yesterday read and approved.

Mr. Merritt presented the remonstrance of citizens of Sacramento against the passage of a bill to consolidate the city and county of Sacramento, known as the consolidation bill, which was referred to the Sacramento delegation.

Mr. Taliaferro presented the claim of James O'Connor, for services as

superintendent of quarry at the state prison, and referred to the Committee on Claims.

Mr. Anderson presented the remonstrance of citizens of Placer county against the enactment of a Sunday law, which was referred to the Committee on Public Morals.

REPORTS.

Mr. Garter, chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29th, 1857;

Also, Senate bill No. 99, an act to amend an act entitled an act to regulate fees of office, approved April 10th, 1855;

Also, Senate bill No. 120, an act to authorize the board of supervisors of Siskiyou county to levy an additional tax for county expenditures;

And find the same all correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Grant, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred an act for the relief of the San Francisco Gas Company, report the same back with amendments, and, after their adoption, recommend its passage:

Amend section one, line three: strike out "it is made their duty," and insert the word "empowered."

2. Strike out section five, and insert as follows:

Section five—All acts and parts of acts inconsistent with this act shall be held in abeyance to this act from and after its passage.

GRANT, for the delegation.

Report accepted, and, with bill, placed on file.

Mr. Merritt made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 80, entitled an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30th, 1855, begs leave to report the same back, and recommend its passage without amendment.

Respectfully submitted,

MERRITT, Senator Sixth District.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of E. L. Brown, for rent of court-house in Sacramento, in the months of February, March, and April, 1850, have considered the same.

In the opinion of your committee, the claim is not a charge against the state, and therefore recommend that it be rejected.

E. F. BURTON, Chairman.

Report accepted, and, with claim, placed on file.

On motion of Mr. Johnson of El Dorado, Senate bill No. 36, the special order of the day, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up.

The question being on the final passage of the bill, the ayes and noes were demanded by Messrs. Gregory, Phelps, and Taliaferro, and taken, with the following result: Ayes, 20—noes, 10:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Rogers—20.

NOES—Messrs. Bell, Grant, Gregory, Griffith, Melony, Pacheco, Phelps, Soule, Taliaferro, and Thom—10.

So the bill was passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 104, an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this state.

J. W. SCOBEEY, Clerk.

FEBRUARY 19, 1858.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851;

And Senate bill No. 20, an act amendatory of and supplementary to an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851,

Were made the special order of the day for Wednesday, February 24th, at twelve o'clock, M.

Mr. Burton gave notice that, on Monday next, he would introduce a bill concerning the town of Nevada.

Mr. Griffith verbally reported on Assembly bill No. 128, an act relative to the board of supervisors of Yolo county, recommending its passage, as amended.

On motion of Mr. Griffith, the bill was taken up and considered, amendment adopted, rules suspended, bill read a third time, and passed.

Mr. Phelps moved to reconsider the vote by which the Senate, on yesterday, laid on the table the motion to reconsider the vote by which the Senate passed Senate bill No. 23, relative to corporations.

Mr. Garter being absent this morning, when Senate bill No. 36 was passed, asked leave to have his vote recorded in the affirmative, which was granted.

The hour of half-past eleven o'clock, A. M., having arrived, Mr. Holden called for the special order of the day, Senate bill No. 11, an act to provide for the location and sale of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, which was taken up.

Mr. Phelps moved to make the bill the special order of the day for Wednesday, February 24th, at twelve o'clock, M., which was lost.

Senate bill No. 11 was considered as in Committee of the Whole.

Pending discussion, Mr. Bell asked leave to introduce the following resolution, which was granted :

Whereas, Monday next, the 22d day of February, is the anniversary of the birth of the immortal Washington, the Father of his Country ;

And whereas, It has been a time-honored custom to celebrate the day in commemoration of the memory of perhaps the greatest man the world has ever produced ;

And whereas, It is ever profitable for American citizens to set apart a day sacred to reflection on the career of the man who has made the name of American glorious in the annals of all the nations of the earth, sacred to reflection on the deeds, the wisdom, and the next to the inspired advice of the founder of our great Union. Therefore, be it, by this Senate,

Resolved, That when the Senate adjourns this day, it adjourns to meet on Wednesday next.

Mr. Merritt moved to strike out the word "perhaps," in the preamble, which was carried.

Mr. Anderson offered the following amendment, which was lost :

Insert after the words, "the greatest man the world has ever produced," the words "in the opinion of this Senate."

Mr. Melony offered the following as a substitute, which was lost :

Resolved, That in commemoration of the day that gave to America a Washington, that when the Senate adjourns, it adjourns to meet on Tuesday next.

Division of the question being called for, the vote was first taken on the preamble as amended, which was adopted.

Mr. Merritt moved to strike out, in the resolution, the word "Wednesday," and insert "Tuesday."

Upon which, the ayes and noes were demanded by Messrs. Merritt, Melony, and Burton, and taken, with the following result : Ayes, 19—noes, 11 :

AYES—Messrs. Baker, Burch, Burton, Chase, Coulter, Dickinson, Garter, Grant, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Melony, Pacheco, Rogers, and Soule—19.

NOES—Messrs. Anderson, Berry, Bell, Ferguson of Sacramento, Goodwin, Griffith, Johnson of Sacramento, Lewis, Phelps, Taliaferro, and Thom—11.

So the amendment was adopted.

The question being on the passage of the resolution as amended, the ayes and noes were demanded by Messrs. Burton, Phelps, and Johnson of El Dorado, and taken, with the following result : Ayes, 19—noes, 11 :

AYES—Messrs. Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Rogers, Soule, and Taliaferro—19.

NOES—Messrs. Anderson, Burton, Goodwin, Grant, Gregory, Johnson of Sacramento, Lewis, Melony, Pacheco, Phelps, and Thom—11.

So the resolution was adopted.

On motion of Mr. Lewis, leave of absence was granted Mr. Sullivan for one day.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 19, 1858.

To the Senate of California:

I have this day approved an act to audit the claim of H. W. Larkin.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state, any property to which said wards may be entitled.

Also, refused to concur in Senate concurrent resolution No. 25, to pay John Voorhees, for labor performed in the construction of platform for inaugural ceremonies, and appointed Messrs. De Long, Young, and Safford, as a committee of conference on the part of the House, and ask the appointment of a similar committee on the part of the Senate.

Also, on the eighteenth instant, passed Assembly bill No. 148, an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857.

J. W. SCOBEEY, Clerk.

FEBRUARY 20, 1858.

Mr. Thom moved that a committee of conference, to act with the House committee, on the disagreeing vote of the two Houses, be appointed on Senate concurrent resolution No. 25, which was carried.

Assembly bill No. 148 was read first and second times.

Mr. Merritt moved to refer the bill to the Judiciary Committee.

Mr. Phelps moved to refer to the San Francisco and San Mateo delegation.

Question being on referring to the Judiciary Committee, the ayes and noes were demanded by Messrs. Phelps, Grant, and Soule, and taken, with the following result: ayes, 13—noes, 12:

AYES—Messrs. Baker, Burch, Coulter, Ferguson of Sacramento, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, and Rogers—13.

NOES—Messrs. Berry, Burton, Bell, Goodwin, Grant, Hart, Johnson of Sacramento, Pacheco, Phelps, Soule, Taliaferro, and Thom—12.

So the bill was referred to the Judiciary Committee.

SPECIAL ORDER RESUMED.

Senate bill No. 11, considered as in Committee of the Whole.

The chair announced as a committee of conference, on the part of the Senate, to act with the Assembly committee on the disagreeing vote of the two Houses on Senate concurrent resolution No. 25, Messrs. Thom, Baker, and Johnson of Sacramento.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed and read a third time.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have this day passed Assembly bill No. 118, an act to provide for the opening and construction of certain roads in the county of Sonoma.

J. W. SCOBEE, Assembly Clerk.

Assembly bill No. 118 was read first and second times, and referred to the delegation from Sonoma.

On motion of Mr. Chase, the Senate adjourned.

Approved.

SAM. A. MERRITT, President *pro tem.* of Senate.

Attest : J. T. EWING, Ass't Sec'y Senate.

IN SENATE.

TUESDAY, February 23, 1858.

Senate met pursuant to adjournment.

The president *pro tem.* in the chair.

The roll was called.

Mr. Dickinson asked leave of absence for Mr. Melony.

Mr. Burton asked leave of absence for Mr. Lewis.

Mr. Johnson of Sacramento asked leave of absence for Mr. Rogers.

Mr. Johnson of Sacramento asked leave of absence for Mr. Allen.

Mr. Soule asked leave of absence for Mr. Sullivan.

Mr. Pacheco asked leave of absence for Mr. Gregory.

Mr. Johnson of El Dorado asked leave of absence for Mr. Taliaferro.

Each for one day, which was granted.

On motion of Mr. Holden, the secretary of the Senate was granted leave of absence for two days.

Journals of yesterday read and approved.

Mr. Griffith presented petition from citizens of Yolo, praying for an increase of the state school fund.

Referred to the Committee on Education.

Mr. Garter, chairman of the Enrolling Committee, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills report that on the 20th day of February, 1858, at four o'clock, P. M., they presented to the Governor for his approval, the following bills :

Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road ;

Also, Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose ;

Also, Senate bill No. 120, an act to authorize the board of supervisors of Siskiyou county to levy an additional tax for county expenditures ;

Also, Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857;

Also, Senate bill No. 99, an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855;

E. GARTER, Chairman.

INTRODUCTION OF BILLS.

Mr. Hart, by leave, introduced the following bills:

An act to amend an act declaring Feather River navigable, passed March 14, 1857,

Which was read first and second times, and referred to the Committee on Commerce and Navigation;

Also, an act to extend the time for the collection of taxes in Butte county for 1857,

Which was read first and second times, and referred to the delegations from Butte and Plumas;

Also, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857,

Which was read first and second times, and referred to the delegations from Butte, Plumas, and Shasta;

An act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding the same,

Which was read first and second times, and referred to the delegations from Butte, Plumas, and Shasta;

Also, an act amendatory of an act fixing the time of holding the terms of the county court, court of sessions, and probate court, in and for Butte county,

Which was read first and second times, and referred to the delegations from Butte, Plumas, and Shasta.

Mr. Chase, by leave, introduced a bill for an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch, by leave, introduced a bill for an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Holden introduced a bill for an act creating a state land office for the state of California,

Which was read first and second times, the usual number of copies ordered printed, and referred to the Committee on Public Lands.

Mr. Griffith introduced a bill for an act for the relief of James M. Anderson,

Which was read first and second times, and referred to the Committee on Claims.

On motion of Mr. Johnson of Sacramento, Justus Hovey, assignee of T. R. Eldredge, was granted leave to withdraw the papers of T. R. Eldredge.

GENERAL FILE.

Senate bill No. 114, an act to amend the act of March 29, 1856, to

establish pilots and pilot regulations for the port and harbor of Benicia and Mare Island, was indefinitely postponed.

Senate bills Nos. 34 and 37, together with report of Committee on Roads and Highways, was, on motion of Mr. Grant, laid on the table.

Senate bill No. 92, an act concerning county treasurers, was read a third time, and passed.

Senate bill No. 12, an act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison buildings about to be erected at the state prison at San Quentin, was considered as in Committee of the Whole.

IN SENATE.

Amendment of Committee of the Whole adopted.

Mr. Johnson of Sacramento moved to suspend the rules, and consider the bill now, which was lost.

The bill was then ordered engrossed and read a third time.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, to whom were referred resolutions relative to the appointment of an assistant enrolling clerk, and relative to providing for the payment of such assistant clerk for his services, report the same back, with the following resolution, as a substitute, and recommend the passage of the substitute:

Resolved, That the enrolling clerk of the Senate be allowed an assistant in the discharge of his duties, and that the president of the Senate be and he is hereby authorized to audit the account of the assistant enrolling clerk, from the time he commenced the discharge of his duties.

E. GARTER, Chairman.

Substitute adopted.

Mr. Phelps moved to strike out all after the word "clerk" and insert "from February first."

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up.

Mr. Johnson of El Dorado moved to lay the bill temporarily on the table, to dispose of the resolution now before the Senate, which was lost.

Mr. Burton moved to make the bill the special order of the day for Thursday, February 25th, at twelve o'clock, M., which was carried.

The consideration of the resolution concerning assistant enrolling clerk was resumed.

Mr. Griffith moved to amend by inserting after the word "clerk" "from the adoption of this resolution," which was lost.

The question recurring on Mr. Phelps' amendment, was put and carried, and the resolution as amended was adopted.

Senate bill No. 62, an act for the relief of the San Francisco Gas Company, was considered as in Committee of the Whole.

The committee rose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted.

On motion of Mr. Grant the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 80, an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855, was read a third time and passed.

Senate bill No 55, an act concerning chattel mortgages in this state, was, on motion of Mr. Chase, laid on the table.

Assembly bill No. 87, an act to authorize the executor and administrator of John Ellüg, deceased, to sell real estate of said deceased at public or private sale, was considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, bill read a third time and passed.

The report of the Committee on Claims, recommending the rejection of the claim of E. L. Brown, for rent of court-house in Sacramento in 1851, was taken up, question being upon the adoption of the report, the ayes and noes were demanded by Messrs. Burton, Thom, and Mesick, and taken, with the following result: ayes, 9—noes, 11:

AYES—Messrs. Berry, Burch, Burton, Coulter, Ferguson of Sierra, Garter, Mesick, Phelps, and Thom—9.

NOES—Messrs. Bell, Ferguson of Sacramento, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Merritt, and Soule—11.

So the Senate refused to adopt the report.

Mr. Griffith, by leave, introduced a bill for an act to audit the claim of E. L. Brown, which was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12th, 1852, was, on motion of Mr. Chase, made the special order of the day for Thursday, February 25th, at half-past eleven o'clock, A. M.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 22, 1858. }

To the Senate of California:

I have this day approved an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29th, 1857;

Also, an act to authorize the board of supervisors of Siskiyou county to levy a tax for county expenditures.

JOHN B. WELLER, Governor.

Mr. Johnson of Sacramento, by leave, presented the claim of Samuel Deal, for services in securing and delivering to the state prison an escaped convict, which was referred to the Committee on Claims.

Mr. Thom offered the following resolution, which was adopted:

Resolved, That his Excellency the Governor be requested, (if not inconsistent with the public interest,) to furnish the Senate with all the infor-

mation in his possession in relation to the hanging of the two men—the one at Monterey and the other at Auburn, within the last few days.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: J. T. EWING, Ass't Sec'y Senate.

IN SENATE.

WEDNESDAY, February 24, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Lewis.

Journals of yesterday read and approved.

Mr. Johnson of El Dorado asked leave of absence for the day, for Mr. Dickinson, which was granted.

Mr. Taliaferro presented the claim of Daniel H. Carpenter, for provisions and wood furnished the state prison in the year 1855, which was referred to the Committee on Claims.

Mr. Johnson of Sacramento presented the claim of the city water works, for water furnished the capitol in 1856 and 1857, which was referred to the Committee on Claims.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the bill of James Anthony & Co., for Union newspapers furnished the Senate, from February fourth to February twenty-seventh, four weeks, fifty-six dollars, and recommend the same to be paid out of the contingent fund.

Also, the bill of E. Koffal, for two dollars, and recommend the same to be paid out of the contingent fund.

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Ferguson, chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, have had the same under consideration, and unanimously recommend the passage of the accompanying as a substitute therefor.

W. I. FERGUSON, Chairman.

Report accepted, and, with bills, and placed on file.

Mr. Baker, of the Committee on Public Morals, made the following report:

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred Senate bill No. 60, have had the same under consideration, and ask leave to offer the following substitute, and recommend its passage.

BAKER, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Hart made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Senate bill No. 133, have taken the same into consideration, and respectfully recommend its passage.

A. S. HART,
JOHN COULTER.

Report accepted, and, with bill, placed on file.

Mr. Ketchum introduced a bill for an act to amend an act entitled an act to provide revenue for the support of the government of this state, which was read first and second times, and referred to the Committee on Finance.

Mr. Allen, by leave, introduced a bill for an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company incorporated under the laws of this state, certain rights, privileges, and for other purposes, which was read first and second times, and referred to Committee on Public Lands.

Mr. Bell offered the following resolution, which was adopted :

Resolved, That two copies of all printed matter ordered by the Senate be furnished to each reporter having a seat within this body.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 128, an act relative to the board of supervisors of Yolo county ;

Also, this day, passed Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22d, 1850.

J. W. SCOBEEY, Clerk.

FEBRUARY 24, 1858.

GENERAL FILE.

The report of the Committee on Contingent Expenses was taken up, and report adopted.

Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, together with substitute reported by Committee on Commerce and Navigation, was, on motion of Mr. Ferguson of Sacramento, laid on the table.

Senate bill No. 60, an act for the better observance of the Sabbath, with substitute of Committee on Public Morals, substitute adopted, and bill considered as in Committee of the Whole.

MESSAGE OF THE GOVERNOR.

Pending discussion, the following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, Feb. 24, 1858. }

To the Senate of California :

I herewith return, without approval, an act entitled an act to extend the time for the collection of taxes in San Bernardino county.

The county of San Bernardino was organized under an act passed on the 26th of April, 1853. On the 29th of March, 1856, the time of collecting taxes was extended to the first of June, 1857. This included the delinquent taxes which had accrued since the organization of the county, and all that is now required is to extend the time still further to the first of May next, to which time sales will be deferred.

But my principal reason for returning the bill is because the clerk, in enrolling it, has written the words "eighteen hundred and fifty-seven," and also the words "eighteen hundred and fifty-six," twice. This is evidently a mistake. The bill also assumes that there is an existing law extending the time for the collection of taxes in the year 1858. I know of no such act.

JOHN B. WELLER.

Mr. Thom moved to lay the message and bill on the table, which was carried.

The following message was received from the Governor, which the secretary proceeded to read, when Mr. Burch moved to suspend the further reading, and refer the same to the Judiciary Committee, which was lost, and the reading continued :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, February 24, 1858. }

To the Senate of California :

In compliance with your resolution of yesterday, I send herewith all the information received by this department in regard to the recent executions at Monterey and Auburn.

The correspondence will show the action of the Executive. I avail myself, however, of the occasion to make a few suggestions. The constitution makes it my duty "to see that the laws are faithfully executed," and it ought to be a felony to disregard any legal order which the Executive may give, when the life of a human being is involved.

In all such cases where he has reason to apprehend that resistance will be made, he should be authorized to call out a sufficient military force to see that it is executed. These crimes are usually committed by a few excited, reckless, energetic men, whose boldness and quickness of movement strike terror into the minds of the majority, from which they do not recover until it has become too late to prevent them.

Honest men ought to combine, in every locality, for the purpose of putting down these outrages, which are destroying confidence in republican institutions, and disgracing us in the eyes of the civilized world.

The thirty-sixth section of the criminal practice act should be so amended as to require the sheriff, in all cases where a rescue or resistance is anticipated, to call at once upon any military company which may be organized in his bailiwick, and the Governor should be authorized to disband any company refusing to obey such requisition.

One of the principal objects, in organizing volunteer companies, is to aid the civil authorities in executing the laws. We have companies armed and equipped in nearly every county of the state, and if they could be

brought into the field at the outset, these disgraceful scenes would not occur.

A few true men organized and properly armed, acting in concert, would soon disperse a mob infinitely superior in numbers. The citizen soldiers would be found much more effective than the ordinary *posse comitatus*. It would be the difference between well-drilled, experienced troops, and raw, undisciplined militia.

I need not say that it is humiliating, indeed, to be placed in a position where, instead of seeing "the laws faithfully executed," I am compelled to witness their repeated violations in the most shameful manner.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 8, 1858. }

To the Sheriff of the county of Monterey, and all others whom these presents may concern :

Whereas, Anastasia Jesus was, at the December term, A. D. 1857, of the district court of the county of Monterey, in the said state, convicted of the crime of murder, and on the 31st day of December, A. D. 1857, sentenced by said court to be hung on the twelfth day of February, 1858 ;

And whereas, by the laws of the land, it is required, that immediately after conviction, a record of the same, embodying the testimony, shall be transmitted to the Executive of the state ;

And whereas, no such record has been received in the above entitled case at the Executive department ;

Now, therefore, by virtue of the authority in me vested by the constitution and laws, the sentence is hereby resipited and suspended until Friday, the fifth day of March next, at two o'clock, P. M., at which time he will be executed, unless further orders are given.

Witness my hand, and the great seal of state, at Sacramento, this eighth day of February, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] (Signed.)

JOHN B. WELLER, Governor.

Attest : FERRIS FORMAN, Secretary of State.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 8, 1858. }

DEAR SIR :—I am directed by the Governor to call your attention to that part of the criminal law found in Wood's Digest, article 1697, section 467, and to inform you, that on account of not receiving from you the proper transcript of testimony given on trial of one Anastasia Jesus, with other reasons, he has granted a reprieve of three weeks, or until the fifth of March, before the execution of said prisoner can take place.

I am, very respectfully, your obedient servant,

MANUEL T. BROCKLEBANK,

Private Secretary to the Governor.

Hon. C. P. HESTER.

SAN JOSE, February 15, 1858.

His Excellency John B. Weller,

DEAR SIR :—Some days since I received a letter from your secretary, informing me that you had not received a copy of the evidence in the case of the People, etc., against Anastasia Jesus, convicted, as he alleged, of murder, in Monterey.

I now inform you, that no such person, by that name, was convicted of murder in Monterey ; but there was a person convicted of murder by the

name of José Anastacio (an Indian), of the testimony in whose case I heretofore made a statement, and also of his trial, conviction, and judgment, and mailed it in the post office of this [place,] directed to you. This was done within three days after the trial.

The statute does not require the judge to make a copy of the evidence, but only a statement thereof, which means its substance. This was done. But I now herewith send you a copy of it.

Yours, etc.,

(Signed)

C. P. HESTER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 17, 1858. }

DEAR SIR:—Your letter of the 15th instant, conveying a statement of the case of *The People v. José Anastacio*, for murder, has been received. As the sentence was pronounced on the 31st of December, and I did not take possession of the Executive office until the 9th of January, the statement which you say was forwarded by mail within the first three days of that month would have fallen into the hands of my predecessor. He assures me that no such papers were ever received.

It is the first time within my knowledge when communications or letters addressed to me through the post-office in this state have failed to reach me. If the statement now before me had been in my possession, Monterey would not have been disgraced again by a *mob* execution.

Very respectfully, your obedient servant,

JOHN B. WELLER.

Hon. C. P. HESTER.

John B. Weller, Governor of the State of California:

DEAR SIR:—You are probably aware by this time of what has occurred here in Monterey in the [case of the] Indian José Anastacio, who was condemned on the 31st day of December, by Judge Hester, of the third judicial district, to be executed by hanging on the 12th day of February, 1858.

Your communication of the 8th February, 1858, in which the sheriff of Monterey county is notified of a suspension and respite of the sentence of Anastacia Jesus until the fifth day of March, 1858, was duly received, and as a private citizen, I have not the slightest doubt that José Anastacio was meant, as there was only one culprit condemned to death by Judge Hester in Monterey on the thirty-first day of December, 1857, and to be executed on the twelfth day of February, 1858, but as an officer of the law, I considered that I had no possible right to understand the instrument otherwise than as it read, viz.: not respiting the sentence of José Anastacio, who was the prisoner under sentence, but Anastasia Jesus, thus making it virtually an altogether different person, and thereby putting it out of my power to act otherwise than in the manner in which I did act, namely, executing, by hanging, the prisoner José Anastacio, on the twelfth day of February, 1858, as commanded in the warrant for the execution of said prisoner, José Anastacio, issued by Judge Hester on the sixteenth day of January, 1858. The prisoner, when about to undergo the sentence, confessed publicly to having been an accomplice in the murder of which he stood accused, and also confessed himself guilty of one other murder, thereby showing himself fully deserving of his punishment.

There was also an intense excitement prevailing among the citizens of Monterey generally, and it is more than probable that the prisoner would have been executed by the citizens of the place, or at least the attempt made, had he not been executed by myself.

Hoping that you will place the proper construction on my conduct in the matter,

I remain, yours most respectfully,

THOS. B. POOL,
Under Sheriff of Monterey County.

MONTEREY, February 15, 1858.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 19, 1858. }

SIR:—Your letter of the 15th inst., informing me that you had executed an Indian boy at Monterey, in violation of my orders, has been received. You say that there was a mistake in the name, and that although "as a private citizen you had not the slightest doubt that José Anastacio was meant, as there was only one culprit condemned to death by Judge Hester on the 31st December, and to be executed on the 12th day of February, 1858," but nevertheless, as a public officer, you feel it your duty to proceed with the execution.

You also say that "if you had not hung him, in all probability the citizens would," and you express the hope that I will "place the proper construction on your conduct in the matter."

I assure you, sir, that I do place "the proper construction" on your conduct, and have no hesitation in saying that you are guilty of judicial murder. You had no more authority, under the laws of this state, to execute that man than you have to shoot your neighbor without provocation. Those who advised you to avail yourself of the quibble in regard the name, deserve the contempt of all honest men.

Besides, to hang a man because "if you did not in all probability the citizens would," places you in the most unenviable light, whilst it reflects disgrace upon the people of your county.

If, as I understand is the fact, you disregarded the orders of the sheriff as well as the executive, your name ought to be consigned to eternal infamy.

I only regret that I have not the power to punish such conduct as it deserves.

Your obedient servant,

JOHN B. WELLER.

THOS. B. POOL, Under Sheriff.

MONTEREY, February 12, 1858.

Governor Weller:

DEAR SIR:—In a newspaper report we have seen of the respite granted to Anastasia Jesus until the 5th March, (at Monterey,) it is stated that the representations made to the Governor fully warranted the exercise of Executive clemency. Of this we have no doubt, but the people here, feeling that the real facts would hardly induce your action in this matter as a measure of justice as well to yourself as to themselves, would be pleased to know the character of the representations made and by whom they were furnished and substantiated. Should it not appear improper to you we would like to learn the names of the parties moving in this matter, and as it is a matter of public import the giving the information seems to us justifiable, and perhaps, what is due under the circumstances.

It is understood that an old Indian went from here to Sacramento on that business, but it is the general opinion that he was only the tool while the real parties do not, as yet appear. Should you feel disposed to

seventy-two sections donated to this state for the use of a seminary of learning.

HOLDEN, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of Committee on Enrollment, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Johnson, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857, have had the same under consideration, report the bill back to the Senate, with amendments, recommending its passage as amended ;

Amend first section, thirty-seventh line, by inserting after the word "Obispo" the words " Santa Barbara.

JOSIAH JOHNSON,

Chairman of Finance Committee.

FEBRUARY 24, 1858.

Report accepted, and, with bill, placed on file.

Mr. Sullivan, chairman of the Committee on State Library, made the following report :

MR. PRESIDENT:—The Committee on State Library have had under consideration Senate bill No. 118, an act to create the office of state librarian and to provide for the increase and preservation of the state library, and respectfully report the same back, without special recommendation.

E. L. SULLIVAN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee have had under consideration Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10th, 1854, and report the same back, with a recommendation that it be passed, without amendment ;

Also, Assembly bill No. 117, an act to amend an act to create the county of Del Norte, to define its boundaries and provide for its organization, approved March 2d, 1857, and recommend its passage without amendment.

BURCH, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Assembly bill No. 193, an act authorizing the auditing and payment of certain claims for advertising, have had the same under consideration, have made amendments thereto, and recommend its passage as amended.

Strike out all after the enacting clause, and insert :

Section one—That the following sums be and the same are hereby appropriated out of any money in the general fund not otherwise appropriated, for the objects herein expressed :

Daily Sun, advertising.....	\$1,303 50
Daily Globe, advertising.....	1,468 50
San Francisco Herald, advertising.....	1,468 50
San Joaquin Republican, advertising.....	1,150 50
Democratic State Journal, advertising.....	1,257 50

Amend the title of the bill as follows: "An act to appropriate money for advertising."

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the 23d inst., passed Assembly bill No. 134, an act to provide for taking depositions of witnesses in civil cases ;

Also, on yesterday, Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra ;

Also, adopted Assembly concurrent resolution relative to weekly mail from Weaverville, *via* mouth of Cañon Creek, to Cañon City, in Trinity county ;

Also, Assembly concurrent resolution asking Congress to establish a weekly land mail-route in certain counties of this state, and to locate post-offices therein ;

Also, Assembly concurrent resolution relative to translation of laws into Spanish, and the appointment of a translator ; and Messrs. Pico, McCoy, and Tatman, were appointed a committee on the part of the House, and ask the appointment of a similar committee on the part of the Senate ;

Also, on this day, passed Assembly bill No. 159, an act to audit the claim of D. W. Gilmore.

J. W. SCOBEEY, Clerk.

FEBRUARY 25, 1858

Assembly bill No. 134 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 74 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 159 was read first and second times, and referred to the Committee on Claims.

Assembly concurrent resolutions relative to weekly mail-route from

Weaverville to Cañon City, was read and referred to the Committee on Federal Relations.

Assembly concurrent resolution relative to establishing weekly mail-routes, and to locate post-offices in this state, was read, and referred to Committee on Federal Relations.

Assembly concurrent resolution relative to the translation of laws into the Spanish language, was read and referred to the Committee on Education.

On motion of Mr. Pacheco, the reference of the resolution was reconsidered, and the Senate concurred.

Mr. Ferguson of Sacramento, by leave, presented the remonstrance of citizens of Sacramento county against the passage of the bill known as the consolidation bill, which was referred to Sacramento delegation.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own name as sole traders, passed April 12, 1852, was taken up.

Mr. Phelps moved to recommit the bill to the Judiciary Committee, with instructions to report the following substitute:

AN ACT to amend an act entitled an act to authorize married women to transact business in their own name, as sole traders.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION. 1 Section second of said act is hereby amended so as to read as follows:

Section two—Any married woman residing within this state desirous to avail herself of the benefit of this act, shall make a declaration on oath before a notary public, or other person authorized to take acknowledgments of deeds, that she intends to carry on business in her own name and on her own account; specifically setting forth in such declaration the nature of the business, trade, profession, or art, and that no part of the capital to be invested in such business, trade, profession, or art, was received from her husband, either directly or indirectly, or from any person indebted to her husband, but that the same belongs of right to her, exclusively, independently of her husband. Said declaration shall be recorded in the office of the county recorder of the county where said business, trade, profession, or art, is to be carried on or practiced, and shall also be advertised in some public newspaper of general circulation in said county for three successive weeks, and if any newspaper be published in said county, said publication shall be published in such paper.

SEC. 2. Section three of said act is hereby amended so as to read as follows:

Section three—After the declaration has been duly made and recorded, as provided in the foregoing section, the person so making the declaration as aforesaid, shall be entitled to carry on said business, trade, profession, or art, in her own name; and the property, revenue, money, debts, and credits, so invested, shall belong exclusively to said married woman, and shall not be liable for any of the debts of her husband. And said married woman shall be allowed all the privileges, and be liable to all the legal processes now or hereafter provided by law against debtors and

creditors; *Provided*, if it shall be proven on the trial of any cause, that the capital, or any part thereof, used by any married woman as sole trader, was received in any manner from her husband, the whole amount of her said capital shall be liable for the debts of her husband; *Provided further*, if the business, trade, profession, or art engaged in, by any married woman, is entirely different from the ordinary employment of females, it shall be considered *prima facie* evidence of complicity between the husband and wife, and of the husband's interest in the business of the wife.

SEC. 3. Sections five and six of said act are hereby repealed.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Burch, and Baker, and taken, with the following result: Ayes, 9—noes, 18:

AYES—Messrs. Burton, Bell, Carpenter, Lewis, Phelps, Soule, Sullivan, Taliaferro, and Thom—9.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Mesick, Pacheco, and Rogers—18.

So the motion was lost.

Question being on the passage of the bill, the ayes and noes were demanded by Messrs. Phelps, Soule, and Merritt, and taken, with the following result: Ayes, 18—noes, 13:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Mesick, Pacheco, and Rogers—18.

NOES—Messrs. Burton, Bell, Carpenter, Coulter, Grant, Griffith, Johnson of Sacramento, Lewis, Melony, Phelps, Soule, Sullivan, and Taliaferro—13.

So the bill was passed.

Mr. Griffith asked leave to record his vote on the passage of the bill, in the negative,

Which was granted.

Mr. Gregory asked leave to have his vote recorded in the affirmative,

Which was granted.

Mr. Grant asked leave to have his vote recorded in the negative,

Which was granted.

The president announced as a committee on the part of the Senate, to act with House committee, relative to translating of laws in Spanish, Messrs. Pacheco, Taliaferro, and Gregory.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants, and find the same correctly enrolled.

E. GARTER, Chairman.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day passed Senate bill No.

62, an act for the relief of the San Francisco Gas Company, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEEY, Assembly Clerk.

Senate bill No. 62 was taken up, and amendments of Assembly concurred in.

SPECIAL ORDER.

Senate No. 56, an act to provide for a convention to revise and change the constitution of this state, was considered in Committee of the Whole. After some time so spent, the committee arose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Burch offered the following amendment, as an additional section, which was adopted :

Section ten—The sum of fifty thousand dollars, out of any money in the state treasury not otherwise appropriated, is set apart for the purpose of defraying the expenses of the constitutional convention by this act called.

Mr. Baker offered the following amendment to section six, which was adopted :

Section six—Strike out after the word "exceed," in the third line, and insert "eight dollars per day."

The bill was then ordered engrossed, and read a third time.

GENERAL FILE.

Senate bill No. 12, an act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison buildings about to be erected at the state prison at San Quentin, was read third time, and passed.

Senate bill No. 133, an act to extend the time for the collection of taxes in Butte county, for 1857 ; on motion of Mr. Hart, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 11, an act to provide for the location of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, was taken up.

Mr. Ferguson of Sacramento, by leave, made the following report :

MR. PRESIDENT:—The joint committee appointed by the Legislature to ascertain from the supervisors of Sacramento county whether they would sell to the state the building and grounds now used as a state capitol, have learned from said board of supervisors that they are willing to make the sale for the sum of one hundred and twenty-five thousand dollars.

W. I. FERGUSON,
JAS. ANDERSON.

Report accepted.

Mr. Ferguson gave notice that he would, at an early day, introduce a bill providing for the purchase by the state, from the county of Sacramento, of the buildings and grounds now occupied as a state capitol at a price not exceeding one hundred and twenty-five thousand dollars.

Senate bill No. 11 resumed, bill read a third time, and passed.

Senate bill No. 84 an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, was considered as in Committee of the Whole.

Mr. Johnson of Sacramento, moved to consider the bill as in Senate, which was carried.

IN SENATE.

Proviso reported by Committee on Public Lands was adopted, and the bill ordered engrossed and read a third time.

Mr. Lewis, Chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 60, an act to provide for the better observance of the Sabbath, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, Feb. 25, 1858. }

To the Senate of California :

I hereby nominate Capt. Charles Welsh, of San Francisco, one of the pilot commissioners for that port, *vice* Selim E. Woodworth, and respectfully ask the confirmation of your honorable body.

JOHN B. WELLER.

Question being on the confirmation of the appointment, the roll was called with the following result : Ayes, 31—no, 1 :

AYES—Messrs. Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Mesick, Pacheco, Phelps, Rogers, Soule, Taliaferro, and Thom—31.

No—Mr. Sullivan—1.

So the appointment was confirmed.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 24, 1858. }

To the Senate of California :

I herewith return, without my approval, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose.

This bill creates a board of branch road commissioners in the county of

El Dorado, for the construction of a certain road, and three individuals are named as commissioners. It also requires the supervisors to levy a special tax of five thousand dollars (\$5,000) per annum for two years, in order to raise a fund to pay expenses, etc.

Before I attach my signature to a special act, I must be satisfied of its necessity. The general law of the state, in defining the duties of supervisors in the respective counties, says they shall have power "to lay out, control, and manage public roads," and I see no reason why the power in this case should be taken from them, and vested in the three individuals named in the bill. This is a local road, running within the limits of a single county, and I have no evidence that the present board of supervisors in El Dorado county have not sufficient intelligence and integrity to construct this, as well as any other road.

If the people of that county desire this road, an act simply authorizing a special tax would enable them to construct it.

JOHN B. WELLER.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 25, 1858. }

To the Senate of California :

I return herewith, without my approval, an act amendatory of and supplementary to an act approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties, a proposition to appropriate moneys for the construction of a wagon road, etc.

On the 27th of April, 1857, an act was passed providing that the question of appropriating fifty thousand dollars for the construction of a wagon road from Sacramento county, through El Dorado county, to Carson Valley in Utah territory, should be submitted to the people of those counties at the last general election. The act goes on to provide, that if a majority of the voters declare in favor of it, the board of supervisors of the county shall each appoint one commissioner, who shall select a third; the whole work to be under the direction and control of two boards. This act, it is said, received the sanction of the people.

The supervisors have acted under this law, and appointed commissioners in conformity therewith. This bill takes the whole control of the road out of the hands of the supervisors, and leaves them nothing to do except to levy the tax. It abolishes the old commissioners, and vests all their power in two gentlemen, who are named in the bill, and one other, to be selected by them. When a law has been submitted to a popular vote, and receives the sanction of the people, it ought not to be materially changed by the Legislature, without their assent, unless very cogent reasons exist. The people sanctioned an act giving the board of supervisors, in the respective counties, elected by them, the power to expend the fifty thousand dollars, and to locate the road and control the whole work. This act proposes to take this power from them, and vest it in certain persons selected by the Legislature. This would be a breach of good faith, and operate as a fraud upon the people of these two counties. Besides, I desire to know what the acts of the old board were, before I am prepared to declare them null and void.

The act of the twenty-seventh of April was only defective in this—it did not authorize the imposition of a tax, or make any provision for raising the fifty thousand dollars.

An act simply authorizing the board of supervisors to do that, would only carry out what I suppose to have been the intention of the people.

JOHN B. WELLER, Governor.

On motion of Mr. Ferguson of Sacramento, the messages of the Governor, together with the bills, were made the special order of the day for Saturday, February twenty-seventh, at twelve o'clock, M.

Senate bill No. 69, an act to provide for the better observance of the Sabbath.

Mr. Merritt moved a call of the Senate, which was carried.

Messrs. Ferguson and Johnson of Sacramento, Griffith, and Anderson, appearing at the bar of the Senate, were, on motion, admitted.

On motion of Mr. Johnson of El Dorado, further proceedings under the call were dispensed with.

Mr. Ferguson of Sacramento moved to recommit the bill, with instructions to except billiard-table keepers, keepers of refreshment saloons, and social amusements.

Mr. Burton moved to reconsider the vote by which the bill passed to its third reading.

Mr. Burch moved to recommit the bill to the Engrossing Committee.

Upon the question on Mr. Burton's motion to reconsider, the ayes and noes were demanded by Messrs. Burch, Merritt, and Melony, and taken, with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Berry, Burton, Bell, Carpenter, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamm, Johnson of Sacramento, Lewis, Melony, Mesick, Pacheco, Sullivan, and Thom—16.

NOES—Messrs. Allen, Baker, Burch, Coulter, Dickinson, Garter, Hart, Johnson of El Dorado, Ketchum, Merritt, Phelps, Rogers, Soule, and Taliferro—14.

Mr. Bell offered an additional section.

The chair decided that the bill was not correctly engrossed, and amendments were not in order.

The question recurring on recommitting the bill, was put and carried.

Senate joint resolution No. 26, relative to swamp and overflowed lands, was read first and second times, and, on motion of Mr. Burch, the rules were suspended, resolutions considered engrossed, read a third time, and passed.

Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D. 1858, to the thirtieth day of June, A. D. 1858, inclusive, was considered as in Committee of the Whole.

IN SENATE.

Mr. Carpenter moved to make the bill the special order of the day for Wednesday, March fourth, at twelve o'clock, which was lost.

The bill was then read a third time, and passed.

Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857, was considered as in Committee of the Whole.

Committee rose, and reported the bill back, with amendments.

land we live in, more particularly when there is no cause of complaint on the ground of the laws not being executed. As I was situated, I did all that lay in my power; would to God it had been otherwise.

Trusting that this dark act, stigmatizing and hanging like a black cloud over the previous fair character of Placer, shall be the last and final one of the kind,

I remain very truly your obedient servant,
CHARLES KING, Sheriff.

The message and documents were referred to the Judiciary Committee.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was considered as in Committee of the Whole.

Pending which, on motion of Mr. Burton, the bill was laid temporarily on the table, to consider the following message from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 228, an act to provide for the temporary government of the state prison;

Also, concurred in Senate amendments to Assembly bill No. 193, an act authorizing the auditing and payment of certain claims for advertising.

J. W. SCOBEEY, Clerk.

Assembly bill No. 228 was read first and second times, and, on motion of Mr. Burton, the rules were suspended and bill read a third time.

On motion of Mr. Burton, the third reading of the bill was reconsidered.

Mr. Garter offered the following amendment as an additional section to the bill:

“An act entitled an act creating a board of state prison commissioners, and defining their duties, passed March 2, 1856, is hereby repealed.”

Mr. Burton offered the following as a substitute for the amendment, which was accepted:

“All acts or parts of acts which conflict with the provisions of this act are hereby repealed.”

Which was adopted.

The bill was then read a third time.

Mr. Burton offered the following amendment to the title of the bill:

Add after the word “state prison,” “and appropriating money therefor.”

Which was adopted, and the bill, as amended, was passed.

Mr. Taliaferro, by leave, introduced a bill for an act appropriating money for the support of the state prison,

Which was read first and second times, and referred to the Committee on Finance.

Senate bill No. 6 resumed, and considered as in Committee of the Whole.

Committee rose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Mr. Burton moved to indefinitely postpone the bill, upon which the ayes and noes were demanded by Messrs. Merritt, Berry, and Chase, and taken, with the following result: Ayes, 11—noes, 17:

AYES—Messrs. Anderson, Berry, Burton, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Johnson of Sacramento, Lewis, Me-sick, and Sullivan—11.

NOES—Messrs. Allen, Baker, Burch, Coulter, Dickinson, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Phelps, Rogers, Soule, Taliaferro, and Thom—17.

So the Senate refused to indefinitely postpone.

The amendments of Committee of the Whole were then concurred in.

Mr. Anderson offered the following amendment, which was lost.

"Section four—No corporation formed under the provisions of this act shall, in any case, charge exceeding twenty cents per inch, usual measure, for water, and are required to accommodate all persons applying for the same, upon the principle that relates to the duties of common-carriers, inn-keepers, and railroads."

The bill was then ordered engrossed, and read a third time.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day concurred in Senate amendments to Assembly bill No. 228, an act to provide for the temporary government of the state prison.

J. W. SCOBEEY, Clerk.

Mr. Thom offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that a joint committee of two members from each house be appointed to accompany such agent or agents as the Governor may select, under an act entitled an act to provide for the temporary government of the state prison, and appropriating money therefor, passed February 26, 1858, whose duty it shall be to proceed to San Quentin, and take an inventory of all the the property in use by or for the state prison, and to make a full statement, and report as to the quantity, quality, variety, and value of all said property; showing to whom each article belongs, whether to the state or to private parties.

Resolved, further, That John F. McCauley be, and he is hereby, authorized to employ any number of persons not exceeding three, (at his own expense,) who may co-operate with the committee appointed by these resolutions, in taking an inventory of the said property, and shall be allowed to report the result of their investigation conjointly with the said committee, or otherwise, as to them may seem meet and proper; *Provided*, that the said John F. McCauley shall not have the power to appoint any person or persons who may now be, or ever have been, or who may expect hereafter to be interested in any contract having relation to or pertaining to the state prison.

On motion of Mr. Burch, the resolution was laid temporarily on the table.

SPECIAL ORDER.

Senate bills No. 8 and No. 20, relative to the attachment law, were taken up.

Mr. Griffith moved the adoption of the substitute reported by committee for Senate bill No. 20, which was carried.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was taken up, and considered as in Committee of the Whole.

After some time so spent, the committee rose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted.

Mr. Ferguson of Sacramento, offered the following amendment to section five, which was adopted :

Amend section five—strike out all after the word “follows,” in first line, and insert the following :

“Section one hundred and thirty-nine—Upon such issue the plaintiff shall be held to prove that the facts alleged by him in said affidavit as the grounds of the attachment, existed at the time of the issuance of attachment.”

Mr. Anderson offered the following amendment :

Strike out all after the enacting clause, and insert the following :

SECTION 1. Section one hundred and twenty-two of said act is hereby amended so as to read as follows : Section one hundred and twenty-two—Before issuing the writ the clerk shall require a written undertaking on the part of the plaintiff, in a sum not less than the amount claimed ; *Provided*, said amount do not exceed five hundred dollars, and in such sum, if the sum claimed exceed five hundred dollars ; and an amount added thereto sufficient to cover the costs in the case, with sufficient sureties to the effect that if the defendant recover judgment, or upon his motion the attachment shall for any cause be vacated, the plaintiff will pay all costs that may be awarded to the defendant, and all the damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.

SEC. 2. Section one hundred and twenty-three of said act is hereby amended so as to read as follows : Section one hundred and twenty-three—The writ shall be directed to the sheriff of any county in which property of such defendant may be, and require him to attach and safely keep all the property of such defendant within his county not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which shall be stated in conformity with the complaint, unless the defendant give him security by the undertaking of at least two sufficient sureties in an amount sufficient to cover the value of the property attached, and the costs of the officer, in which case to take such undertaking. Several writs may be issued at the same time to the sheriff of different counties.

On the adoption of which, the ayes and noes were demanded by Messrs.

Anderson, Chase, and Grant, and taken, with the following result: Ayes, 6—noes, 17:

AYES—Messrs. Anderson, Baker, Berry, Burton, Carpenter, and Dickinson—6.

NOES—Messrs. Allen, Burch, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Soule, Taliaferro, and Thoma—17.

So the amendment was lost.

Mr. Griffith offered Senate bill No. 20 as a substitute for Senate bill No. 8.

On motion of Mr. Griffith, Senate bill No. 8, and the substitute for Senate bill No. 20, were made the special order of the day for to-morrow, **Saturday, February 27, at twelve o'clock, M.**

Mr. Dickinson of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following bills, and recommend their payment from the contingent fund of the Senate:

Evening Bulletin.....	\$19 06
San Francisco Globe.....	16 00
Golden Era.....	4 75

DICKINSON, of the Committee.

Report accepted, and placed on file.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

SAM. A. MERRITT, President *pro tem.* Senate.

Attest: J. T. EWING, Assistant Secretary of Senate.

IN SENATE.

SATURDAY, February 27, 1858.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Burton offered the following resolution, which was adopted:

Resolved, That the Governor be requested to return to the Senate, Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857.

PETITIONS.

Mr. Grant presented the petition of G. W. Ryckman, for provisions, etc., furnished the state prison.

Which was referred to the Committee on Claims.

Mr. Ferguson of Sierra presented the claim of B. M. Fetter, for attendance as witness in the impeachment cases on the trials of Henry Bates and G. W. Whitman.

Which was referred to the Committee on Claims.

Mr. Pacheco presented the remonstrance of citizens of San Luis Obispo county against the passage of a Sunday law.

Which, on motion, was laid on the table.

Mr. Ketchum presented the petition of citizens of Drytown, praying for an appropriation to rebuild a Catholic church, which had been burnt by a mob.

Which was referred to the Committee on Claims.

REPORTS.

Mr. Holden, chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—The Committee on Public Lands, to whom was referred Senate bill No. 112, an act entitled an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes, by act of Congress, passed March 3, 1853, have had the same under consideration, and I am instructed by a majority of said committee to report the bill back, without amendment, and recommend its passage.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 138, an act to amend an act entitled an act affixing the age of majority of males and females, passed May 10, 1854 ;

Also, Senate bill No. 128, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857 ;

Also, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state ;

And find the same correctly engrossed,

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, have had the same under consideration, and recommend its passage as amended :

Amend section two—line forty-four : between the words "Booraem" and "file," by inserting the word "shall."

Section two—line forty-five : between the words "state" and "of," insert as follows : "and also the release of the reporter of the Supreme Court."

Add the following additional sections, numbers three and four :

"Section three—The reports published, as provided in this act, shall be

and are hereby declared the official Reports of the Supreme Court of this state."

"Section four—An act to provide for the appointment of a reporter to the Supreme Court, and to define his duties and compensation, approved April 19, 1856, shall be and is hereby repealed."

Amend the title as follows:

"And to repeal an act entitled an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, approved April 19, 1856."

S. H. CHASE, Chairman.

Report accepted, and, with bill, placed on file.

On motion of Mr. Burton, the vote by which the Senate this day adopted a resolution, requesting the Governor to return to the Senate, Senate bill No. 127, was reconsidered.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the bill of Henry Shipley & Co., for "State Journals" furnished senators, amounting to thirty dollars and fifty cents, for two weeks ending February twenty-seventh, and recommend the same to be paid from the contingent fund of the Senate;

Also, the claim of the "San Francisco Herald," from January fifth to March first, amounting to one hundred and sixteen dollars, and recommend that the sum of one hundred dollars be allowed out of the contingent fund;

Also, the claim of John Voorhees, amounting to fifty-seven dollars and fifty cents, and recommend payment from the contingent fund;

Also, bill of the Sacramento post-office, for the sum of two hundred and ten dollars and forty-five cents, and recommend the same be paid out of the postage fund.

J. H. BAKER, Chairman.

Report accepted, and placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills presented to the Governor, for his approval, on the twenty-fifth day of February, at two o'clock, P. M., Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April twenty-ninth, one thousand eight hundred and fifty-seven;

Also, Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants;

Also, Senate bill No. 62, an act for the relief of the San Francisco Gas Company.

E. GARTER, Chairman.

Report accepted.

Mr. Griffith, of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 28, entitled an act to amend an act entitled an act to regu-

late proceedings in civil cases in the courts of justice of this state, approved April twenty-ninth, one thousand eight hundred and fifty-one, have had the same under consideration, and, having adopted sundry amendments thereto, recommend its passage, as amended :

d^o First amendment: insert, as section second, the following :

Section two—Section two hundred and thirty-one of said act is hereby amended so as to read as follows :

Section two hundred and thirty-one—The judgment debtor, or a redemptioner, may redeem the property sold from the purchaser within six months after the sale, by paying the purchaser the amount of his purchase money, with eighteen per cent. thereon in addition, together with the amount of any assessments or taxes which the purchaser may have paid thereon after the purchase, and interest on such last amount at ten per cent. per annum, and if the purchaser be also a creditor, having a lien prior to that of the redemptioner, the amount of such lien, with interest. No other charges or per centage shall be required of such judgment debtor, or redemptioner, and the rents and income of the real estate so sold and received by the purchaser, shall be credited to the judgment debtor, or redemptioner, as a part of the redemption money to be paid by him.

Second amendment: Change the number of section second to section third.

Third amendment: Insert after the word "payment," at the end of the seventh line of the last section, the words "for all purposes of redemption."

Fourth amendment: Insert after the word "entry," at the end of the fifteenth line of the last section, the words "upon payment made by or for the judgment debtor."

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of M. Scott, Jr., have directed me to report the following bill for the same, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

Mr. Ferguson of Sierra made the following report :

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bill No. 73, an act fixing the time of holding the several courts authorized to be held by the county judges of the county of Sierra, and to change the manner of summoning jurors for the county court of said county, have had the same under consideration, report the same back, without amendments, and recommend its passage.

W. T. FERGUSON, Committee.

Report accepted, and, with bill, placed on file.

Mr. Ferguson of Sacramento introduced a bill for an act to provide for the purchase of the court-house of Sacramento county for a capitol,

Which was read first and second times, and referred to the Committee on State Prison and Public Buildings.

Mr. Taliaferro introduced a bill for an act appropriating money for transporting to the insane asylum certain insane convicts,

Which was read first and second times, and referred to the Committee on Claims.

Mr. Grant introduced a bill for an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco,

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Mr. Burch gave notice, that he would, at an early day, introduce an act to amend an act entitled an act concerning public ferries and toll bridges, passed April 28, 1855.

On motion of Mr. Griffith, Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish laws for 1856, was taken from the table, and placed on calendar.

Mr. Thom moved to take from the table Senate concurrent resolution No. 27, relative to the appointment of a committee of two from each house, to visit the state prison, in connection with the agents authorized to be appointed by the Governor,

Which was carried.

Mr. Anderson offered the following amendment, which was adopted.

In last line but one of the resolution, strike out the words, "or who may expect hereafter to be."

And the resolution, as amended, was then adopted.

GENERAL FILE.

Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, was read a third time, and passed.

Senate bill No. 60, an act to provide for the better observance of the Sabbath, was read a third time.

Mr. Thom moved to recommit to the Committee on Public Morals, with instructions to strike out section four, and insert:

"Section four—This act shall take effect on and after the first day of June, A. D. 1858, in all the counties of this state, except the counties of San Diego, San Bernardino, Los Angeles, Santa Barbara, San Luis Obispo, Yolo, and Sacramento; and, as to these counties, that the same shall take effect on the first day of June, A. D. 1860."

Mr. Pacheco moved to lay the bill temporarily on the table, which was lost.

Mr. Carpenter called for the special order of the day, the Governor's veto message on Senate bills Nos. 18 and 89, which was taken up, and, on motion of Mr. Baker, laid temporarily on the table, in order to dispose of the bill now before the Senate.

The question, recurring on the motion of Mr. Thom to recommit Senate bill No. 60, with instructions, was put, and lost.

Mr. Melony moved to recommit to the Committee on Public Morals, with instructions to strike out the words in the body of the bill, "Christian Sabbath," and insert, "first day of the week, or Sunday;" also, the word "misdemeanor," in the penalty, and amend the title so as to state more accurately the objects of the act.

Mr. Thom offered the following, as an amendment to the amendment:

"An act entitled an act to provide for the better observance of the first day of the week, or Sunday, in the other counties of this state than San Diego, San Bernardino, Los Angeles, Santa Barbara, San Luis Obispo, Sacramento, and Yolo,"

Which was lost.

The question being on Mr. Melony's motion to recommit, with instructions, the ayes and noes were demanded by Messrs. Anderson, Thom, and Hamm, and taken, with the following result: Ayes, 9—noes, 22:

AYES—Messrs. Anderson, Carpenter, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamm, Johnson of Sacramento, Pacheco, and Thom—9.

NOES—Messrs. Allen, Baker, Berry, Burch, Burton, Bell, Chase, Coulter, Dickinson, Garter, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Mesick, Phelps, Rogers, Soule, Sullivan, and Taliaferro—22.

So the amendment was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Ferguson of Sierra, Baker, and Berry, and taken, with the following result: Ayes, 20—noes, 11:

AYES—Messrs. Allen, Baker, Burch, Burton, Bell, Chase, Coulter, Dickinson, Garter, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Mesick, Phelps, Rogers, Soule, and Taliaferro—20.

NOES—Messrs. Anderson, Berry, Carpenter, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamm, Johnson of Sacramento, Pacheco, Sullivan, and Thom—11.

So the bill passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 133, an act to extend the time for the collection of taxes in Butte county, for 1857;

Also, Assembly bill No. 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof;

And concurred in Senate amendment to Assembly bill No. 87, an act to authorize the executor and administrator of the estate of John Ellüg, deceased, to sell real estate of said deceased at public or private sale;

Also, Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra.

J. W. SCOBÉY, Clerk.

FEBRUARY 27, 1858.

Assembly bill No. 149 was read first and second times, and referred to the delegation from Sierra.

Assembly bill No. 169 was read first and second times, and referred to the El Dorado delegation.

SPECIAL ORDER OF THE DAY.

The veto messages of the Governor, on Senate bills Nos. 18 and 89, were taken up and read.

Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose—

The question being "Shall the bill pass notwithstanding the objections of the Governor?"

Mr. Carpenter moved a call of the Senate, which was carried.

On motion of Mr. Carpenter, further proceedings under the call were dispensed with.

And on the passage of the bill the roll was called, with the following result: Ayes, 22—noes, 7:

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Grant, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Pacheco, Soule, and Sullivan—21.

NOES—Messrs. Allen, Burton, Johnson of Sacramento, Merritt, Mesick, Rogers, and Thom—7.

So the bill was passed.

Senate bill No. 18, an act amendatory of and supplementary to an act entitled an act submitting to the people of El Dorado and Sacramento counties a proposal to appropriate money for the construction of a wagon road—

The question being "Shall the bill pass notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 23—noes, 6:

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Grant, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Pacheco, Rogers, Soule, and Sullivan—23.

NOES—Messrs. Allen, Burton, Johnson of Sacramento, Merritt, Mesick, and Thom—6.

So the bill was passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day concurred in Senate resolution relative to the appointment of a committee to visit the state prison, etc., and have appointed Messrs. De Long and Stocker, as Committee on the part of the House.

FEBRUARY 26, 1858.

J. W. SCOBEEY, Clerk.

The chair announced, as the committee on the part of the Senate to visit state prison, etc., Messrs. Thom, and Garter.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 27, 1858. }

To the Senate of California:

I have this day approved an act to amend an act entitled an act to pro-

vide revenue for the support of the government of this state, approved April 29, 1857.

JOHN B. WELLER.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was made the special order of the day for Monday, March 1, 1858, at twelve o'clock, M.

Mr. Anderson moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Burton, Taliaferro, and Baker, and taken, with the following result: Ayes, 16—noes, 12:

AYES—Messrs. Anderson, Berry, Burch, Bell, Chase, Ferguson of Sacramento, Garter, Hamm, Holden, Johnson of El Dorado, Lewis, Mesick, Pacheco, Rogers, Soule, and Thom—16.

NOES—Messrs. Allen, Baker, Burton, Coulter, Dickinson, Grant, Griffith, Hart, Johnson of Sacramento, Ketchum, Merritt, and Taliaferro—12.

So the Senate stood adjourned.

Approved.

SAM. A. MERRITT, President *pro tem.* of Senate.

Attest: J. T. EWING, Ass't Sec'y Senate.

IN SENATE.

MONDAY, March 1, 1858.

Senate met pursuant to adjournment.

Mr. Merritt, president *pro tem.*, in the chair.

The roll was called.

Mr. Burch asked indefinite leave of absence for Mr. Mesick, which was granted.

Mr. Gregory asked leave of absence for one day for Mr. Ketchum, which was granted.

Mr. Bell asked indefinite leave of absence for Mr. Melony, which was granted.

The journals of Saturday were read and approved.

Mr. Burton presented the claim of J. M. Anderson for copying and arranging the Journals of 1855.

Referred to the Committee on Claims.

PETITIONS.

Mr. Griffith presented the petition of the citizens of Solano county, praying for relief.

Referred to the Judiciary Committee.

Mr. Grant presented the claims of the "San Francisco Herald," "Echo du Pacifique," John S. Love, Murick G. Reed, and John Center;

Also, Comptroller's warrant No. 613, for six thousand eight hundred and fifty-one dollars and forty-seven cents, of G. D. Bliss, for supplies furnished state prison;

All of which were referred to the Committee on Claims.

Mr. Burch presented a preamble and resolutions from the board of supervisors of Trinity county, praying for an indigent sick fund for that county.

Referred to the delegation from Trinity.

Mr. Gregory presented the petition of citizens of Monterey, praying for a mounted police force.

Referred to the delegation from Monterey.

Mr. Goodwin presented the claim of W. J. Lewis for surveying state prison grounds, etc.

Referred to the Committee on Claims.

Mr. Taliaferro presented the petition of citizens of Petaluma, Sonoma county, praying for an act of incorporation.

Referred to the Committee on Corporations.

Mr. Grant presented the claim of Jacob S. Cohen, assignee of Hamilton Bowie, for supplies furnished the state prison.

Which was referred to the Committee on Claims.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your committee, to whom was referred the claim of Paul K. Hubbs, for rent of office for Superintendent of Public Instruction, for the years 1854 and 1856, have directed me to report the same back, and recommend it be rejected.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

MR. PRESIDENT :—Your committee, to whom was referred Senate bill No. 121, an act for the relief of William Wright, have directed me to report the same back, with a substitute, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, chairman of Committee on Public Lands, made the following report :

MR. PRESIDENT :—The Committee on Public Lands, to whom was referred Senate joint resolution No. 14, asking Congress to so modify the pre-emption laws of this state, as to allow the right of pre-emption upon all lands not segregated from the public domain as private property, have had the same under consideration, and I am instructed by a majority of said committee to submit the following report :

The preamble to the resolution sets forth, that the act of the third of March, A. D. 1853, renders, to a certain extent, the pre-emption laws of this state a nullity.

The words of the act of Congress, by and under which these lands are withheld from market, are as follows : " excepting, also, the land claimed under any foreign grant or title." Your committee submit that these words prevent the pre-emption laws from attaching, if a claim under a foreign grant be set up, whether the claim be a good one or not. And that even though his grant may be a good one, to a certain tract of land, yet under the law he may set up his claim to a much larger tract of land than will ever be confirmed to him, and hence, by his own wrongful act, withhold the excess from market. That although he may have a valid claim, to be located within certain limits, he may wrongfully neglect and refuse to designate the boundaries of his claim until after the lands are

settled upon and improved, then he may locate upon that portion where the improvements are most valuable. Indeed, instances are in the knowledge of your committee, where holders of foreign grants have made surveys of their grants, and often settlements and valuable improvements have been made beyond the limits, in good faith, believing from the representations of the grantee that they were on government land, yet, when the authorized survey is made, at the instance and in accordance with the wishes of the grantee, they find that their lands and improvements are taken in by the grant, and the settler is compelled to pay the price demanded by the grantee for his own improvements. This, your committee deem wrong and unjust. The grantee should be compelled to designate the boundaries of his grant, not covering more land than he is entitled to, and ever after be estopped from setting up a claim to lands other than those thus designated.

Your committee do not wish or ask any action of Congress by which vested rights may be disturbed; but while we recognize and will maintain inviolate this great principle, we hold it to be equally clear that every citizen of the United States, has equally or should have a vested right to pre-empt any public land in the state.

This right to pre-empt is nothing more nor less than the right to buy of the general government one hundred and sixty acres of land at one dollar and twenty-five cents per acre. This is as clearly a vested right as is that of the Spanish grantee to eleven square leagues of land, protected by the treaty of Guadalupe Hidalgo. The right of the poor industrious man to five acres of land is as sacred to him as the right of the Spanish grantee, yet, by the law, the poor man is compelled to show where his boundaries are, and that the world may know where his lands are, he is compelled to have his claim recorded. Your committee deem it but just, and the resolutions ask that the grantees of large tracts of land define at once their boundaries, have the same recorded in the same manner that the owner of a small tract of land does, and that he be estopped from claiming land other than that within his boundaries.

This omission in the pre-emption law has caused that bitter feeling of hate that exists between the grant-holder and settler, and the cause of much of the bloodshed and strife that has darkened the history of California, and deterred many of those living in the densely populated cities of the East from building their homes among us. This cloud resting over the titles to land in this state, has crippled the energies of the people more than any other one thing; and it hangs yet like an incubus over prospects otherwise bright as the noonday sun. California wants a hardy and industrious population to develop her rich agricultural resources, the only sure foundation to true greatness. Men of means will not encounter the dangers and hardships of crossing sandy deserts and snow-covered Sierras, so long as they are under the impression that the land is nearly all covered by Spanish grants, for Americans must and will be the owners of the soil they cultivate.

This, with other considerations, induce your committee to believe that were the pre-emption laws modified as asked for in the resolution, much of that feeling of vindictive hate that now exists between the grant-holder and the settler, would be allayed; that an industrious and energetic population would be lured to our shores by the health and mildness of our climate; and the wealth and prosperity of the state greatly enhanced. Therefore your committee recommend the passage of the resolutions without amendment.

HOLDEN, Chairman.

Reported accepted, and placed on file.

Mr. Griffith introduced a bill for an act to audit the account of Brigadier General A. M. Winn, for military services.

Read first and second times, and referred to the Committee on Claims.

Mr. Burton, for Mr. Merritt, introduced a bill for an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851.

Read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, made the following report :

MR. PRESIDENT:—The Senate delegation, from the counties of San Francisco and San Mateo, to whom was referred an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco, have had the same under consideration, report the same back to the Senate, without amendment, and unanimously recommend its passage.

GILBERT A. GRANT, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Burch introduced a bill for an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855.

Read first and second times, and referred to the Committee on Roads and Highways.

Mr. Gregory, by leave, introduced a bill for an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26, 1856.

Read first and second times, and referred to the Judiciary Committee.

Mr. Burton gave notice that he would, on to-morrow, introduce a bill for an act making appropriations for the support of the civil government of this state, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859.

Mr. Goodwin gave notice that he would, on to-morrow or some subsequent day, introduce a bill to provide for the government of the state prison.

Mr. Ferguson of Sacramento moved to take from the table Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854.

Carried.

Substitute reported by committee on the 24th February last, was adopted, and on motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Soule, Senate bill No. 25, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed lands of this state to persons owning or possessing lands adjacent thereto, was taken from the table, and placed at the foot of the calendar.

GENERAL FILE.

Report of Committee on Contingent Expenses on the claims of J. Voorhees, the Sacramento post-office, and of certain newspapers, was taken up and adopted.

Senate bill No. 134, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state and the judges thereof, approved March 31, 1857—

On motion of Mr. Garter, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 135, an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding the same—

On motion of Mr. Garter, the rules were suspended, considered engrossed, read a third time, and passed.

Senate bill No. 136, an act amendatory of an act fixing the times of holding the terms of the county court, court of sessions, probate court, in and for Butte county—

On motion of Mr. Garter, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 159, an act to audit the claim of D. W. Gilmore, was read a third time, and passed.

Senate bill No. 138, an act to amend an act entitled an act affixing the age of majority of males and females, passed May 10, 1854, was read a third time, and passed.

The hour for the consideration of the special order of the day, Senate bills Nos. 8 and 20, having arrived, Mr. Burton moved to lay the same temporarily on the table,

Which was carried.

Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857, was, on motion of Mr. Griffith, laid on the table.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday, adopted Assembly concurrent resolution, appointing joint committee to examine and report on Labatt's edition of the Practice Act, and appointed Messrs. Lee, Tuttle, and Havens, the committee on the part of the House, and ask the concurrence of the Senate;

Also, passed Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851;

Also, this day, passed, with amendments, Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city, and ask the concurrence of the Senate;

Also, passed Assembly bill No. 242, an act supplementary to and explanatory of an act to appropriate money for advertising, approved February 27, 1858.

J. W. SCOBEEY, Clerk.

Assembly concurrent resolution, relative to appointing a committee to examine and report on Labatt's edition of the Practice Act, was concurred in, and the chair announced as the committee on the part of the Senate, Messrs. Gregory and Goodwin.

Assembly bill No. 115 was read first and second times, and referred to the Committee on Agriculture.

Senate bill No. 84, amendment of Assembly concurred in.

Assembly bill No. 242 was read first and second times.

Mr. Burton moved to consider the bill now,

Which was carried.

Bill was considered as in Committee of the Whole.

IN SENATE.

Bill read a third time, and passed.

Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was, on motion of Mr. Burton, placed at the foot of the calendar.

Senate bill No. 148, an act to audit the claim of M. Scott, Jr., reported from Committee on Claims, was read first and second times, and, on motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

The report of the Committee on Claims, relating to the memorial of James Smiley, for erection of state prison wall, was, on motion of Mr. Baker, recommitted to the Committee on Claims.

Mr. Burton moved to reconsider the vote by which Senate bill No. 148, an act to audit the claim of M. Scott, Jr., passed.

Carried.

Mr. Burton then moved to reconsider the vote by which the bill passed to its third reading.

Carried.

On motion, the bill was re-referred to the Committee on Claims.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on February 26, 1858, passed Assembly bill No. 234, an act to extend the time of collecting taxes in the county of San Bernardino;

Also, Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons.

J. W. SCOBEEY, Clerk.

Assembly bill No. 234 was read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 236, was read first and second times, and referred to the El Dorado delegation.

Senate bill No. 145, an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco—

On motion of Mr. Grant, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up, and made the special order of the day for Friday, March 5, at twelve o'clock, M.

Assembly bill No. 73, an act fixing the time of holding the several courts authorized to be held by the county judges of the county of Sierra, and to change the manner of summoning jurors for the county courts of said county, was read a third time and passed.

Mr. Burch offered the following amendment to the title, which was adopted :

“An act to fix the times of holding the county court, probate court, and court of sessions, of Sierra county.”

Mr. Johnson of El Dorado, by leave, made the following report :

MR. PRESIDENT :—The El Dorado delegation, to whom was referred

Assembly bill No. 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof, have had the same under consideration, and beg leave to report the same back, and recommend the passage of the same, without amendments.

S. M. JOHNSON,
W. B. DICKINSON,
G. J. CARPENTER,
S. F. HAMM.

Assembly bill No. 169, on motion of Mr. Johnson of El Dorado, the rules were suspended, bill read a third time, and passed.

Mr. Taliaferro presented the claim of Dr. Hovey, for medical services, examining insane at the state prison.

Referred to Committee on Claims.

Mr. Bell, by leave, introduced a bill for an act for the relief of Francis R. Crussell.

Read first and second times, and referred to the Committee on Military Affairs.

Mr. Johnson of El Dorado called for the special order of the day. Senate bills Nos. 8 and 20, which were taken up, and, on motion of Mr. Ferguson of Sacramento, were made the special order of the day for Wednesday, March 3, at twelve o'clock, M.

Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856, was taken up.

Mr. Griffith moved to recommit the bill to the Committee on Claims, with instructions to strike out in section first the words "one hundred and fifty dollars," and insert in lieu thereof, "four hundred and fifteen dollars and sixty cents."

Lost.

The bill was then read a third time, and passed.

The report of the Committee on Contingent Expenses, relating to payment for newspapers, was taken up, and report adopted.

Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, was considered as in Committee of the Whole.

Committee rose, and reported the bill back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted.

Bill ordered engrossed, and read a third time.

Mr. Burton gave notice that, on to-morrow, he would move to amend the twenty-seventh rule of the Senate.

The report of the Committee on Claims, recommending the rejection of the claim of Paul K. Hubbs, was taken up.

Mr. Griffith moved to make the report the special order of the day for Wednesday, March third, at one o'clock, P. M.,

Which was lost.

Mr. Griffith, moved a call of the Senate,

Which was carried.

Several senators appearing at the bar, were, on motion, admitted.

On motion of Mr. Bell, further proceedings under the call were dispensed with.

The report was then adopted.

Senate bill No. 121, an act for the relief of William Wright, reported

back, with substitute, from Committee on Claims, was, on motion of Mr. Burton, laid on the table.

The report of the Committee on Public Lands, on Senate joint resolution No. 14, relative to a modification of the pre-emption laws of California, was, on motion, laid on the table.

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes by act of Congress, passed March 3, 1853, was considered as in Committee of the Whole.

Pending discussion, Mr. Bell moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Griffith, Holden, and Allen, and taken, with the following result: Ayes, 10—noes, 10:

AYES—Messrs. Anderson, Burch, Bell, Ferguson of Sierra, Goodwin, Grant, Gregory, Hamm, Lewis, and Soule—10.

NOES—Messrs. Allen, Baker, Berry, Burton, Griffith, Hart, Holden, Johnson of Sacramento, Merritt, and Taliaferro—10.

So the Senate refused to adjourn.

Consideration of Senate bill No. 112, continued.

Pending which, Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Baker, Ferguson of Sierra, and Lewis, and taken, with the following result: Ayes, 12—noes, 12:

AYES—Messrs. Anderson, Burch, Bell, Carpenter, Chase, Ferguson of Sierra, Goodwin, Grant, Gregory, Hamm, Johnson of El Dorado, and Lewis—12.

NOES—Messrs. Allen, Baker, Berry, Burton, Coulter, Griffith, Hart, Holden, Johnson of Sacramento, Merritt, Soule, and Taliaferro—12.

So the Senate refused to adjourn.

The further consideration of Senate bill No. 112 was resumed, and, on motion of Mr. Holden, made the special order of the day for Wednesday, March third, at twelve o'clock, M.

On motion of Mr. Bell, the Senate adjourned.

Approved.

SAM. A. MERRITT, President *pro tem.* of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, March 2, 1858.

Senate met pursuant to adjournment.

Mr. Merritt, president *pro tem.*, in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

E. F. BURTON, Chairman.

MR. PRESIDENT:—Your Committee on Claims have also examined the claim of M. Scott, Jr., and have directed me to report the same back, as correct.

E. F. BURTON, Chairman.

Reports accepted, and, with bills, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of James M. Anderson, of El Dorado county, have had the same under consideration, and have directed me to report the same back, and recommend that it be rejected.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Carpenter made the following report :

MR. PRESIDENT:—The El Dorado delegation, to whom was referred Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons, have examined the same, report it back, without amendment, and recommend its passage.

G. J. CARPENTER,
W. B. DICKINSON,
S. M. JOHNSON,
S. F. HAMM.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Taliaferro, by leave, introduced a bill for an act entitled an act to incorporate the town of Petaluma.

Read first and second times, and referred to Committee on Corporations.

Mr. Hart, by leave, introduced a bill for an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records and indexes of records of said county, and fixing the amount of his compensation therefor.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Hart, by leave, introduced a bill for an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county.

Read first and second times, and referred to Committee on Counties and County Boundaries.

Mr. Taliaferro introduced a bill for an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853.

Read first and second times, and referred to the Committee on Hospitals.

Mr. Anderson, by leave, introduced a bill for an act to amend an act entitled "an act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853," amended April 7, 1857.

Referred to the Finance Committee.

Mr. Holden gave notice that he would, at an early day, introduce a bill for an act supplementary to an act concerning estrays, passed April 19, 1856;

Also, a bill for an act concerning the pay of supervisors of Stanislaus county.

Mr. Burton, pursuant to notice, moved to amend the twenty-seventh rule of the Senate, by striking out "eleven o'clock," and inserting "ten o'clock," upon which the ayes and noes were demanded by Messrs. Burch, Bell, and Burton, and taken, with the following result: Ayes, 13—noes, 14:

AYES—Messrs. Anderson, Allen, Baker, Burch, Burton, Carpenter, Coulter, Dickinson, Goodwin, Gregory, Johnson of El Dorado, Ketchum, and Soule—13.

NOES—Messrs. Berry, Bell, Chase, Ferguson of Sierra, Grant, Hamm, Hart, Holden, Johnson of Sacramento, Merritt, Pacheco, Rogers, Sullivan, and Taliaferro—14.

So the motion was lost.

Mr. Taliaferro gave notice that he would, on to-morrow, introduce a bill granting to certain parties the privilege of straightening and locking Petaluma Creek.

On motion of Mr. Taliaferro, Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, was taken from the table, and referred to a select committee, to consist of the physicians of the Senate.

GENERAL FILE.

Senate bill No. 25, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state, to persons owning or possessing lands adjacent thereto, was, on motion of Mr. Carpenter, laid on the table.

Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee, was considered as in Committee of the Whole, and reported back, without amendment.

IN SENATE.

Bill ordered engrossed, and read a third time.

Senate bill No. 148, an act to audit the claim of M. Scott, Jr., on motion of Mr. Burton the rules were suspended, bill considered engrossed, read a third time, and passed.

The report of the Committee on Claims on Senate bill No. 140, an act for the relief of James M. Anderson, was laid on the table.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 134, entitled an act to provide for taking depositions of witnesses in civil cases, have had the same under consideration, and report the same to the Senate, with the recommendation that it be indefinitely postponed;

Also, Assembly bill No. 74, entitled an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra, the same being a local bill affecting only the county of Sierra, report the same to the Senate, with the recommendation that it be referred to the Senator from Sierra county;

Also, Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, and report the same back, with the recommendation that it be indefinitely postponed;

Also, Senate bill No. 131, an act to provide for the transfer of matter pending in the probate courts in certain cases, and recommend that the same be indefinitely postponed;

Also, Senate bill No. 119, entitled an act to provide for the more thorough distribution of the laws of this state, and report the same to the Senate, with a substitute, and recommend the passage of the substitute;

Also, Senate bill No. 98, an act to suppress gaming, and have adopted an amendment thereto as follows, and recommend its passage as amended:

First amendment—Strike out the second section in the bill and insert the following:

Section two—Any person convicted of a violation of the provisions of this act shall be fined in a sum not less than two hundred dollars and costs, nor more than six hundred dollars and costs, and be imprisoned until the fine and costs are fully paid and discharged, each day's imprisonment to liquidate two dollars of such fine and costs, and recommend its passage, as amended.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons, was read a third time, and passed.

Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29th, 1851, was laid temporarily on the table.

Assembly bill No. 134, an act to provide for taking depositions of witnesses in civil cases, was indefinitely postponed.

Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra, was referred to the delegation from Sierra.

Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, was, on motion of Mr. Berry, laid on the table.

Senate bill No. 131, an act to provide for the transfer of matters pending in the probate court in certain cases, was indefinitely postponed.

Senate bill No. 119, an act to provide for the more thorough distribution of the laws of this state, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, bill ordered engrossed, and read a third time.

Senate bill No. 98, an act to suppress gaming, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read a third time.

Mr. Barch, by leave, offered the following resolution :

Resolved, That the sergeant-at-arms of the Senate be and is hereby authorized to draw his order on the Comptroller of State, for a sufficient amount of money from the postage fund to pay the postmaster of Sacramento city for postage advanced to the members and officers of the Senate.

Mr. Anderson moved to amend by striking out the words "sufficient amount of money," and insert in lieu thereof, "the sum of three hundred and forty-six dollars,

Which was adopted.

Mr. Barch moved to amend by adding after the word "postage," the words "and express charges,"

Which was adopted.

The resolution, as amended, was then adopted.

Mr. Ferguson of Sacramento, chairman of the Committee on Commerce and Navigation, made the following report. (See Appendix.)

Report accepted.

Senate joint resolution No. 28, relative to mail route from Atlantic States, was read first and second times, and, on motion of Mr. Ferguson of Sacramento, the rules were suspended, resolutions considered engrossed, read a third time, and passed.

On motion of Mr. Johnson of Sacramento, four hundred and eighty copies of the report of committee, and resolutions, were ordered printed.

On motion of Mr. Burton, Senate bill No. 121, an act for the relief of William Wright, was taken from the table, the substitute reported by Committee on Claims adopted, and bill laid on the table.

Mr. Soule moved to adjourn, which was lost.

Mr. Griffith moved to take from the table Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857.

Which was carried,

The bill was then read a third time, and passed.

On motion of Mr. Griffith, Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, was taken from the table, considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

First amendment of Committee of the Whole adopted.

Mr. Barch moved to strike out, in section one, the word "ten" and insert "eighteen."

Upon which, the ayes and noes were demanded by Messrs. Grant, Anderson, and Barch, and taken, with the following result: Ayes, 5—noes, 18:

AYES—Messrs. Berry, Barch, Burton, Gregory, and Merritt—5.

NOES—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Coulter, Dickinson, Ferguson of Sierra, Grant, Griffith, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Soule, Sullivan, and Taliaferro—18.

So the amendment was lost.

The further amendments made in Committee of the Whole were then adopted, and, on motion of Mr. Goodwin, the bill was laid on the table.

Mr. Soule moved to adjourn,

Which was lost.

Mr. Griffith moved to take from the table all bills and other matter, and dispose of the same,

Which was carried.

Senate bill No. 55, an act concerning chattel mortgages in this state, was placed on the calendar.

Senate bill No. 34, an act entitled an act granting to David P. Mallaugh the right to collect toll on a road in San Luis Obispo county, was placed on the calendar.

Senate bill No. 37, an act granting to Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba River, was placed on the calendar.

Assembly bill No. 44, an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof, was referred to the delegations from Contra Costa and Alameda counties.

Assembly bill No. 111, an act to amend an act concerning lawful fences, approved April 27, 1855, was placed on the calendar.

Senate bill No. 49, an act amendatory of and supplementary to an act entitled an act for the government and protection of Indians, passed April 22, 1850, was placed on the calendar.

Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852, was placed on the calendar.

Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857, was, on motion of Mr. Burch, made the special order of the day for Monday, March fifteenth, at twelve o'clock, M.

The petition of Schualter and Merritt, supervisors of Siskiyou county, was referred to the delegation from Siskiyou, Mr. Berry.

Senate resolution concerning newspapers and postage of senators, was indefinitely postponed.

Senate concurrent resolution No. 13, relative to the adjournment of the Legislature *sine die*, was laid on the table.

Mr. Ketchum moved to adjourn,

Which was lost.

Mr. Burton, by leave, offered the following resolution, which was adopted:

Resolved, That the state officers be requested to furnish to the Senate, an estimate of the amount of contingents that will be required for their offices for the tenth fiscal year, on or before Monday next.

Assembly concurrent resolution, relative to the quantity of tule and overflowed lands that have been surveyed, was concurred in.

L. M. Ketchum,	-	-	-	-	-	-	-	-	21 30
W. T. Lewis,	-	-	-	-	-	-	-	-	25 00
S. A. Merritt,	-	-	-	-	-	-	-	-	19 00
A. R. Melony,	-	-	-	-	-	-	-	-	15 31
R. S. Mesick	-	-	-	-	-	-	-	-	12 50
R. Pacheco,	-	-	-	-	-	-	-	-	13 89
T. G. Phelps,	-	-	-	-	-	-	-	-	12 80
George Rogers,	-	-	-	-	-	-	-	-	25 00
Samuel Soule,	-	-	-	-	-	-	-	-	1 50
E. L. Sullivan,	-	-	-	-	-	-	-	-	25 00
A. W. Taliaferro,	-	-	-	-	-	-	-	-	8 80
C. E. Thom,	-	-	-	-	-	-	-	-	12 20
T. N. Cazneau,	-	-	-	-	-	-	-	-	17 00
									<hr/>
									\$483 00

Report accepted, and placed on file.

Mr. Bell moved to adjourn.

Lost.

On motion of Mr. Carpenter, Senate bill No. 55, an act concerning chattel mortgages in this State, was taken from the calendar, and referred to a special committee of three.

The chair announced as such committee, Messrs. Carpenter, Burch, and Anderson.

On motion of Mr. Bell, the Senate then adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, March 3, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Holden, chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 110, for an act to furnish the Surveyor General's office with certain manuscript maps, and to provide the state officers and public schools with a map of California, have had the same under consideration, and I am instructed to recommend the indefinite postponement of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 6, an act supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations to whom was referred Assembly concurrent resolution asking Congress to establish a weekly mail-route in certain counties in this state, and to locate post-offices therein;

And, Assembly concurrent resolution relative to a weekly mail from Weaverville, *via* Mouth of Cañon Creek, to Cañon City, in Trinity county, have had the same under consideration, and beg leave to report the same back to the Senate, and recommend their passage, without amendment.

All of which is respectfully submitted.

MERRITT,

Chairman of Committee on Federal Relations.

Report accepted, and, with bills, placed on file.

Mr. Taliaferro presented the remonstrance of citizens of Petaluma against the passage of an act to incorporate the town of Petaluma, which was referred to the Committee on Corporations.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of J. M. Anderson, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden introduced a bill for an act fixing the compensation of the members of the board of supervisors of Stanislaus county, which was read first and second times, and referred to the delegation from Stanislaus county.

Mr. Taliaferro, by leave, introduced a bill, with petition, for an act to improve the navigation of Petaluma Creek, which was read first and second times, and referred to the delegation from Sonoma.

GENERAL FILE.

Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed March 14th, 1853, was read a third time, and, on motion of Mr. Merritt, laid on the table.

The report of the sergeant-at-arms of the Senate, relative to postage of senators, was referred to the Committee on Contingent Expenses.

Senate joint resolution No. 14, in relation to a modification of the pre-

emption law of California, was, on motion of Mr. Griffith, made the special order of the day for Monday, March 8, 1858, at one o'clock, P. M.

The remonstrance of citizens of San Luis Obispo, against the enactment of a Sunday law, was referred to the Committee on Public Morals.

Senate bill No. 140, an act for the relief of James M. Anderson, was, on motion of Mr. Griffith, laid on the table.

Mr. Burton, by leave, made the following reports :

MR. PRESIDENT :—Your Committee on Claims, to whom were referred the claims of S. F. McKenzie, and Alexander Bell, have had the same under consideration, and have directed me to report the following bills, and recommend their passage.

E. F. BURTON, Chairman.

MR. PRESIDENT :—Your Committee on Claims, to whom was referred Senate bill No. 70, an act to reimburse John Q. Brown, E. E. Eyre, J. H. Culver, and John Arnold, have directed me to report a substitute for the same, and recommend its passage.

E. F. BURTON, Chairman.

Reports accepted, and, with bills, placed on file.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the twenty-sixth February last, passed Assembly bill No. 232, an act legalizing the assessment roll of Tehama county, in the year 1857, and extending the time for collecting the revenue in said county ;

And this day passed Senate joint resolution No. 28, relative to the transportation of the mails between the Atlantic and Pacific coasts ;

Also, this day passed Senate bill No. 135, an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for the holding the same ;

Also, Senate bill No. 136, an act amendatory of an act fixing the times of holding the terms of the county court, court of sessions, and probate court, in and for Butte county.

J. W. SCOBEEY, Clerk.

MARCH 3, 1858.

Assembly bill No. 232, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county, was read first and second times, and referred to the delegation from Tehama.

GENERAL FILE RESUMED.

Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852, was laid on the table.

Senate bill No. 49, an act amendatory of and supplementary to an act entitled an act for the government and protection of Indians, passed April 22, 1850, was laid on the table.

Assembly bill No. 111, an act to amend an act concerning lawful fences, approved April 27, 1855, was indefinitely postponed.

Senate bill No. 34, an act entitled an act granting to David P. Mallaugh

the right to collect toll on a road in San Luis Obispo county, was indefinitely postponed.

Senate bill No. 37, an act granting to Matthew Woods the right to construct a wire suspension, or truss bridge across the Yuba river, was indefinitely postponed.

Assembly concurrent resolution, asking Congress to establish a weekly land mail-route in certain counties of this state, and to locate post-offices therein, was read, and the Senate concurred.

Assembly concurrent resolution relative to a weekly mail from Weaverville via mouth of Cañon Creek, to Cañon City, in Trinity county, was considered.

Mr. Griffith offered the following amendment to the resolution, which was adopted:

After words "Trinity county" add the following:

"Also, to establish a post-route from Sacramento City, by the way of Washington, Putah, Vacaville, Suisun, Cordelia, Napa City, Sonoma, Petaluma, and all other intermediate post-offices, to Santa Rosa, in Sonoma county, and to provide for a tri-weekly mail service thereon.

"Also, a post-route from San Francisco to San Rafael, in Marin county, with a daily service thereon; and from San Francisco to Berry, and Tomales, in Marin county, with a semi-weekly service thereon."

The resolution, as amended, was then concurred in.

Senate bill No. 110, an act to furnish the Surveyor General's office with certain manuscript maps, and to provide the state officers and public schools with a map of California, was indefinitely postponed.

Senate bill No. 161, an act to audit the claim of J. M. Anderson, was read first and second times, and, on motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 3, 1858. }

To the Senate of California:

I have this day approved an act authorizing the State Treasurer to endorse certain warrants.

JOHN B. WELLER.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was taken up.

Mr. Burton in the chair.

The question being on Mr. Griffith's motion to strike out all after the enacting clause in the bill, and insert the sections of substitute for Senate bill No. 20, the ayes and noes were demanded by Messrs. Goodwin, Soule and Griffith, and taken, with the following result: Ayes, 8—noes, 20:

AYES—Messrs. Bell, Goodwin, Griffith, Merritt, Pacheco, Soule, Sullivan, and Taliaferro—8.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra,

Grant, Gregory, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, and Rogers—20.

So the motion was lost.

Mr. Ferguson of Sacramento offered the following amendments, which were adopted :

In section four, line second, after the word "defendant" insert the words "or any creditor of the defendant interested."

In section six, line second, after the word "fund," insert the words "against the defendant."

Mr. Chase offered the following amendment to the tenth section :

"The provisions of this bill shall only apply to all contracts entered into after the passage of this act."

Which was adopted.

Mr. Burch moved to reconsider the vote by which the amendment of Mr. Chase was adopted, which was carried.

Mr. Anderson then offered the following, as a substitute for the amendment of Mr. Chase :

"*Provided*, That the provisions of this act shall not apply to any contracts made prior to the first day of July, 1858 ; nor shall this act go into effect until said first day of July."

Adopted.

Mr. Goodwin offered the following, as an additional proviso :

"*Provided, further*, That no attachment be issued in aid of the collection of any demand upon any contract or obligation arising after the first day of July, 1858."

Lost.

The bill was then ordered engrossed, and read a third time.

Mr. Lewis, chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 119, an act to provide for the more thorough distribution of the laws of this state, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Rogers, of the Enrolling Committee, made the following report :

MR. PRESIDENT :—The Committee on Enrolled Bills have examined Senate joint resolution No. 28, relative to the transportation of the mails between the Atlantic and Pacific coast, and find the same correctly enrolled.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have this day passed Senate bill No.

145, an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco.

MARCH 3, 1858.

J. W. SCOBEEY, Clerk.

SPECIAL ORDER.

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes by act of Congress, passed March 30, 1853, was considered as in Committee of the Whole.

Pending discussion, on motion of Mr. Gregory, the bill was made the special order of the day for to-morrow, Thursday, March 4th, at half-past eleven o'clock, A. M.

Mr. Dickinson, of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of James D. Potter, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

DICKINSON, for Committee.

Report accepted, and, with bill, placed on file.

Senate bill No. 119, an act to provide for the more thorough distribution of the laws of this state, was read third time.

Mr. Carpenter moved to lay the bill on the table, which was lost.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, March 4, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Rogers, of the Committee on Enrolled Bills, made the following reports:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 145, an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco, and find the same correctly enrolled;

Also, Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city.

GEO. H. ROGERS, of the Committee.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—The Committee on Enrolled Bills, on yesterday, presented to his Excellency the Governor, Senate joint resolution No. 28, relative to the transportation of the mails between the Atlantic and Pacific coasts;

Also, Senate bill No. 145, an act to amend an act entitled an act to grant to certain parties the right of laying a railroad tract along certain streets within the city and county of San Francisco;

Also, Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city.

GEO. H. ROGERS, of the Committee.

Mr. Chase made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the Governor's message relative to the pardon of Cyrus W. Deable have had the same under consideration, and report a bill to the Senate in accordance with the recommendations thereof, and recommend its passage;

Also, Senate bill No. 150, an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26, 1856, and having considered the same, Messrs. Chase, Goodwin, Merritt, and Griffith, recommend that it be indefinitely postponed; and Messrs. Grant, Gregory, and Burch, recommend that the bill pass;

Also, Senate bill No. 101, an act to amend an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, and having adopted a substitute therefor, recommend the passage of the substitute;

Also, Assembly bill No. 36, an act to repeal the sixty-ninth section of the act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco, and recommend its passage;

Also, Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, and a majority of the committee recommend that the same be indefinitely postponed;

Also, Senate bill No. 73, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, approved April 29th, 1851, and recommend that the same be indefinitely postponed;

Also, Senate bill No. 5, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, passed April 29, 1851, and recommend that the same be indefinitely postponed.

CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 141, an act to audit the claim of E. L. Brown have had the same under consideration, and make the following report:

From the evidence taken before the committee it appears that Edmund

L. Brown rented a building for the use of a court-house, to be used by the courts then held in the city of Sacramento; that such building was occupied during the months of February and March, by the court of the first instance, which court acted under the old Mexican or California laws; but that during the month of April, 1850, it was occupied by the court held by Judge J. S. Thomas, who was elected by the Legislature of this state, at its first session, in the year 1850. It has further appeared satisfactorily to the committee, that Mr. Brown has never received any compensation for the same.

It is therefore the opinion of your committee, that the state is justly liable to pay the rent of said building for the month of April, 1850, being the time the same was occupied by the state court.

Your committee therefore recommend that said bill be amended by striking out the words "eighteen hundred," and insert "six hundred;" also, strike out the words "February, March, and," and that the bill pass, as amended.

S. H. CHASE, Chairman.

Report accepted, and with bill, placed on file.

Mr. Anderson, chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations have had under consideration Senate bills Nos. 122, 123, and 124, and beg leave to report on the same as follows:

They return bill 122, an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles, with a substitute for the same, and recommend the adoption and passage of the substitute;

Bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo, is returned, with amendments, and the passage of the bill recommended when so amended;

Bill No. 123, an act repealing the thirty-fourth section of the act authorizing the formation of corporations for the construction of plank and turn-pike roads, passed May, 12th, 1853, the committee return, without recommendation.

All of which is respectfully submitted.

ISAAC ANDERSON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ferguson made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra, have had the same under consideration, and return the same back, without amendment, and recommend its passage.

W. I. FERGUSON, Committee.

Report accepted, and, with bill, placed on file.

Mr. Holden made the following report:

MR. PRESIDENT:—The delegation from Stanislaus county, to whom was referred Senate bill No. 160, an act fixing the compensation of the members of the board of supervisors of Stanislaus county, have had the same

under consideration, and report the bill back, and recommend the passage of the same.

HOLDEN, of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro made the following report :

MR. PRESIDENT :—Your special committee, consisting of the physicians of the Senate, to whom was referred an act regarding the importation and preparation of drugs and medicines, have had the same under consideration, and would respectfully report it back, and recommend its passage, with certain amendments and additions.

Your committee would further state, that they have been in correspondence with a committee of the State Medical Convention, and the San Francisco Pharmaceutical Society, and numerous apothecaries of this state, and they all concur in recommending the passage of this bill, with the amendments as proposed by your committee.

Respectfully submitted,

ALFRED W. TALIAFERRO, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton offered the following resolution, which was adopted :

Resolved, That the Secretary of State be required to forward to the counties of this state, free of charge, certified copies of the amendments to the revenue law, approved February 27, 1858.

Mr. Burton gave notice that, on to-morrow, he would introduce a bill for an act making appropriation for deficiencies in appropriations heretofore made for the ninth fiscal year ;

Also, a bill for an act to amend the forty-second section of the revenue laws, passed April 29, 1857.

Mr. Taliaferro, by leave, introduced a bill for an act concerning official bonds of justices of the peace in the counties of Marin, Sonoma, Mendocino, and Monterey, which was read first and second times, and, on motion of Mr. Taliaferro, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 119, an act to provide for the more thorough distribution of the laws of this state, under consideration on the third instant when the Senate adjourned, was taken up, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state ;

Also, Assembly bill No. 165, an act to establish the county seat of El Dorado county, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring a removal of the public archives, records, and property ;

Also, Assembly bill No. 176, an act supplementary to an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850 ;

Also, Assembly bill No. 106, an act to ratify and approve order No. 46,

of the board of supervisors of the city and county of San Francisco, approved August 6, 1857;

Also, Assembly bill No. 142, an act amendatory of an act entitled an act concerning estray animals, approved April 19, 1856;

Also, Senate bill No. 148, an act to audit the claim of M. Scott, Jr.;

Also, Senate bill No. 58, an act to audit the claim of J. W. Denver;

Also, Senate bill No. 115, an act to change and fix the time of holding the courts of sessions and the county court of Yuba county;

Also, Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852.

J. W. SCOBAY, Clerk.

MARCH 4, 1858.

Assembly bill No. 112 was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 165 was read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 176 was read first and second times, and referred to the Committee on State Library.

Assembly bill No. 102 was read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 142 was read first and second times, and referred to the Committee on Agriculture.

The hour having arrived for the consideration of the

SPECIAL ORDER OF THE DAY,

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes by act of Congress, passed March 3, A. D. 1853, was taken up, and considered as in Committee of the Whole.

Pending discussion, Mr. Griffith moved to adjourn, upon which the ayes and noes were demanded by Messrs. Griffith, Merritt, and Taliaferro, and taken, with the following result; Ayes, 15—noes, 14:

AYES—Messrs. Allen, Burton, Bell, Carpenter, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Phelps, Soule, and Sullivan—15.

NOES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Hamm, Holden, Johnson of El Dorado, Ketchum, Merritt, Melony, Pacheco, Rogers, and Taliaferro—14.

So the Senate stood adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

FRIDAY, March 5, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 148, an act to audit the claim of M. Scott, Jr., and find the same correctly enrolled.

GEO. H. ROGERS, of Committee.

Mr. Burton, chairman of the Committee on Claims, reported back, verbally, sundry claims of the San Francisco Herald, recommending their reference to the delegation from San Francisco.

Mr. Grant asked leave to withdraw the papers.

Granted.

On motion, Mr. Phelps was granted leave to introduce the claim of Geo. T. Rixby, which was referred to the Committee on Claims.

On motion, Mr. Soule was granted leave to present the claim of Josiah Lecount, for stationery furnished the Supreme Court, which was referred to the Committee on Claims.

Mr. Rogers, chairman of the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom were referred Senate bills Nos. 155 and 156, have had the same under consideration, and report them back, and recommend their passage without amendment.

GEO. H. ROGERS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro made the following report :

MR. PRESIDENT:—Your Committee, to whom was referred an act to improve the navigation of Petaluma Creek, beg leave to report that the passage of this bill has been asked for by a large number of the citizens of Petaluma and Sonoma.

Petaluma is one of the most thriving and flourishing towns on the bay of San Francisco, but her prosperity and growth are greatly retarded for the want of a navigable communication. This is owing to the shallowness and crookedness of the creek for some two or three miles below the city. This bill proposes to remedy this evil by cutting out and straightening that portion of the creek. Your committee would, therefore, most earnestly recommend its passage.

A. W. TALIAFERRO.

Report accepted, and, with bill, placed on file.

Mr. Sullivan made the following report :

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857, have had the same under consideration, and recommend its passage, without amendment.

E. L. SULLIVAN, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Burton introduced a bill for an act to extend the time for assessing the tax for state purposes.

Read first and second times, and, on motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Burton introduced a bill for an act making appropriations for the support of the civil government of the state, for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859.

Read first and second times, and referred to the Committee on Finance.

Mr. Lewis, chairman of the Engrossing Committee, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 98, an act to suppress gaming;

Also, Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee;

Also, Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, and to repeal an act entitled an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, approved April 19, 1856;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant introduced a bill for an act to prohibit champerty and forced sales of lands not in possession of judgment debtors, in the city and county of San Francisco,

Which was read first and second times, and referred to the Judiciary Committee.

The following communication was received from the Quartermaster General, and referred to the Committee on Finance:

OFFICE QUARTERMASTER AND ADJUTANT GENERAL, }
Sacramento, March 5, 1858. }

To the Honorable the Senate of California:

The undersigned, in compliance with the resolution of the Senate, passed on the second inst., relative to the amount of contingents that will be required by the state officers for the tenth fiscal year, respectfully represent that there will be required for this office the following amount, viz.:—

For contingent expenses of office, - - - - -	\$360 00
For rent of state armory and office, - - - - -	1,200 00

I have the honor to be,

Your obedient servant,

WM. C. KIBBE,

Quartermaster and Adjutant General, State of California.

The following communication was received from the Superintendent of Public Instruction, which was referred to the Committee on Finance:

SAN FRANCISCO, March 4, 1858.

To Senator Burton :

DEAR SIR—In response to the resolution proposed by yourself on Tuesday last, I have to state that the contingent expenses for the office of Superintendent of Public Instruction for the next, or tenth fiscal year, will approximate to two thousand dollars.

This, it will be understood, is to cover rent of office, pay of servant for cleaning out same, making fires, etc., compensations to clerks for so long as is needed, generally about four months in the year, postage and expressing, (unusually large for this office,) fuel, lights, stationery, subscription to newspapers and educational journals, and as much as possible, expenses of visiting and examining the schools, capabilities of teachers, etc., throughout the state, etc., etc., etc.

The appropriation, last year, was, in terms, for contingent expenses and rent of office of Superintendent Public Instruction. It might be so this year.

I am, very respectfully,

ANDREW J. MOULDER,
Superintendent of Public Instruction.

Mr. Ketchum, by leave, introduced a bill for an act to amend an act entitled an act to establish, support, and regulate common schools,

Which was read first and second times, and referred to the Committee on Education.

Mr. Ketchum, by leave, introduced a bill for an act to provide compensation for physicians and surgeons in certain cases,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Johnson of El Dorado, by leave, introduced a bill for an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April 10, 1855,

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Taliaferro, by leave, introduced a bill for an act to amend the act of April ninth, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum.

Which was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee, was read a third time, and passed.

Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, and to repeal an act entitled an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, approved April 19th, 1856, was read a third time, and passed.

Senate bill No. 98, an act to suppress gaming, was read a third time, and passed.

Senate bill No. 165, an act for the relief of James D. Potter, reported by the Committee on Claims, was read first and second times, and, on motion of Mr. Burton, the rules were suspended, and bill ordered engrossed, and read a third time.

Senate bill No. 164, an act for the relief of S. F. McKenzie, reported by

Committee on Claims, was read first and second times, rules suspended, and bill ordered engrossed, and read a third time.

Senate bill No. 163, an act for the relief of Alexander Bell, reported by Committee on Claims, was read first and second times, rules suspended, and bill ordered engrossed, and read a third time.

Senate bill No. 70, an act to audit the claims of John Q. Brown, E. E. Eyre, J. H. Culver, and John Arnold; substitute reported by the Committee on Claims, was adopted.

Mr. Berry moved to amend by striking out eight hundred and seventy-five dollars, and inserting one thousand one hundred and nine dollars.

Lost, and the bill was ordered engrossed, and read a third time.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up.

Mr. Bell moved to postpone the consideration of the bill till Friday, March 12th, at twelve o'clock, M.

Mr. Phelps moved to make the bill the special order of the day for Monday next, March 8th, at twelve o'clock, which was lost.

Question recurring on Mr. Bell's motion, was put and lost.

Pending discussion, Mr. Burton moved to make the bill now under consideration, the special order of the day for to-morrow, Saturday, March 6th, at twelve o'clock, M., which was carried.

On motion of Mr. Ketchum, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, March 6, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Robert G. Crozier, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claims of Hiller & Andrews for rent of Attorney General's office;

The claim of A. C. Hunter, for clerks' fees in suits where the state was a party;

And the claim of S. H. Wetherbee, for services as notary at the state prison;

Have directed me to report the same back, and recommend that they be rejected.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of John S. Love, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Reports accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts in justice of this state;

Also, Senate bill No. 165, an act for the relief of James D. Potter;

Also, Senate bill No. 163, an act for the relief of Alexander Bell;

Also, Senate bill No. 164, an act for the relief of F. S. McKenzie;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

Mr. Rogers, of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and found correctly enrolled, Senate bill No. 136, an act amendatory of an act fixing the times of holding the terms of the county court, court of sessions, and probate court, in and for Butte county;

Also, Senate bill No. 135, entitled an act to authorize a special term of the district court, to be held in the county of Butte, and to fix the time for holding the same;

Also, Senate bill No. 100, an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him.

GEO. H. ROGERS, of the Committee.

Report accepted.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following accounts, and recommend that they be paid out of the contingent fund:

San Joaquin Republican,	-	-	-	-	-	-	-	-	-	\$37 00
Daily Bee,	-	-	-	-	-	-	-	-	-	15 75
Burton & McCarty,	-	-	-	-	-	-	-	-	-	8 80

J. H. BAKER, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ferguson of Sacramento made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 132, entitled an act to amend an act declaring Feather River navigable, passed March 14, 1857, have had the same under consideration, and recommend its passage, without amendment.

W. I. FERGUSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ketchum, chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Senate bill No. 151, entitled an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, have had the same under consideration, and report back the same, with amendments, and recommend its passage as amended.

Amendments: Strike out the words "two hundred," in the eighth line of section three, and insert "one hundred." Strike out the words "cross, or attempt to cross, any established toll-bridge, by stealth or otherwise, without paying his toll, or who shall ride or drive, or attempt to," in the twelfth, thirteenth, fourteenth, and fifteenth lines of section three.

L. N. KETCHUM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Goodwin, of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred a petition from the citizens of El Dorado county relative to the repeal of all laws in this state prohibiting negroes and mulattoes from giving testimony against white persons, have considered the same and report that, in the opinion of a majority of the committee, the present law should be allowed to remain unchanged in this particular, and that, therefore, the Senate should take no action thereon,—Mr. Grant, of the committee, dissenting therefrom, and reporting that the prayer of the petitioners should be granted, and an act passed in compliance therewith;

Also, Senate bill No. 130, an act to repeal an act entitled an act defining the time of commencing civil actions in certain cases, approved May, 4, 1852, and likewise, to repeal the act supplementary thereto, approved April 2, 1855, and recommend that the same be indefinitely postponed;

Also, Senate bill No. 152, a bill for an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, the committee have adopted the following amendments, to wit:

In the title strike out the words "a bill for."

Also, insert an enacting clause; and recommend the passage of the bill as amended.

J. O. GOODWIN,
Of the Judiciary Committee.

Report accepted, and, with bills, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following reports :

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Assembly bill No. 52, entitled an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 14, 1854, have had the same under consideration, and respectfully report the same to the Senate, with an amendment, and recommend its passage, with the amendment.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Assembly bill No. 115, entitled an act amendatory of an act to regulate rodeos, passed April 30, 1851, have had the same under consideration, and respectfully report the same to the Senate, with amendments, and recommend its passage, as amended.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

The following communication was received from the Surveyor General :

SURVEYOR'S GENERAL'S OFFICE, }
March 6, 1858.

To the Honorable the Senate of the State of California :

I have the honor to submit the following estimate of appropriations required for the Surveyor General's office for the tenth fiscal year :

For compensation of draughtsman and clerk, - - -	\$2,400 00
Office rent, - - - - -	840 00
Incidental expenses of the office, embracing cost of stationery, printing, fuel, services of porter, repairs of instruments, etc.,	1,200 00
Purchase and copying of four hundred township plats, with costs of drawing paper, etc., - - - - -	3,200 00

Respectfully,

H. A. HIGLEY,

Surveyor General.

Which was referred to the Committee on Finance.

The following communication was received from the State Treasurer :

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
Sacramento, March 6, 1858.

To the Honorable the Senate of the State of California :

In obedience to a resolution of your honorable body, relating to the amount of contingents required for this office for the tenth fiscal year, I respectfully submit the following :

For clerk hire, - - - - -	\$7,200 00
Contingent expenses, - - - - -	3,000 00
Total, - - - - -	\$10,200 00

Respectfully,

THOS. FINDLEY,

State Treasurer.

Which was referred to the Committee on Finance.

Mr. Grant introduced a bill for an act entitled an act to provide for the construction of a bulk-head at the city and county of San Francisco,

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Griffith introduced a bill for an act supplemental to an act entitled an act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano, approved May 3, 1852—approved April 25, 1857.

Read first and second times.

Mr. Anderson moved its reference to the Judiciary Committee.

Lost.

And, on motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Taliaferro introduced a bill for an act to appropriate money for the erection of additional buildings, and to make other improvements at the state asylum for the insane.

Read first and second times, and referred to the Committee on Hospitals.

Mr. Berry introduced a bill for an act to fix the compensation of the members of the board of supervisors of Siskiyou county.

Read first and second times.

Mr. Goodwin moved to amend the bill by reducing the compensation of the president of the board of supervisors.

Lost.

On motion of Mr. Berry, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Griffith, by leave, introduced a bill for an act to change the name of Ferman Christian Hwass to Francis Williams.

Read first and second times.

Mr. Bell moved to refer the bill to the Committee on Public Morals.

Lost.

On motion of Mr. Griffith, the rules were suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Merritt, Burch, and Berry, and taken, with the following result: Ayes, 26—noes, 5:

AYES—Messrs. Anderson, Allen, Baker, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Rogers, Soule, Sullivan, and Taliaferro—26.

NOES—Messrs. Berry, Burch, Burton, Lewis, and Merritt—5.

So the bill was passed.

Mr. Baker offered the following concurrent resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Governor, Lieutenant Governor, and Secretary of State be, and they are hereby, authorized to examine such sites as they may deem eligible for a branch state prison, and to report to this Legislature, at as early a day as possible, the eligibility of any or all such sites, the amount of land to be had, and the price per acre, together with such other information as they may obtain upon the subject.

Mr. Ferguson of Sacramento offered the following concurrent resolution, which was adopted :

Resolved, By the Senate, the Assembly concurring, that the Governor be requested to return to the Senate, Assembly bill No. 192, now in his possession.

Mr. Burch reported back, without recommendation, Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state,

And, on motion of Mr. Griffith, the usual number ordered printed, and the bill was then referred to the Committee on Swamp and Overflowed Lands.

On motion of Mr. Taliaferro, Senate bill No. 159, an act to improve the navigation of Petaluma creek, was taken from the calendar, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Johnson of El Dorado offered the following resolution, which was adopted :

Resolved, That the proper officers of the Senate are directed and authorized to certify to the account of the official reporter, for his services, at fourteen dollars per day, during the session, nine dollars per day to be paid out of the fund appropriated for the pay of officers and clerks of the Senate, and the remainder out of the contingent fund of the Senate.

Mr. Carpenter gave notice that he would move for a reconsideration of the vote by which the Senate passed Senate bill No. 159.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 6, 1858.

To the Senate of California :

I have this day approved an act for the relief of the San Francisco Gas Company.

JOHN B. WELLER.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up.

Pending discussion, the following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the fourth instant, adopted Assembly concurrent resolution relative to the admission of Kansas ;

Also, on this day, concurred in Senate concurrent resolution, requesting the Governor to return a certain bill.

J. W. SCOBEEY, Clerk.

Mr. Merritt moved to make Assembly concurrent resolution relative to the admission of Kansas, the special order of the day for Friday, March 12, at twelve o'clock, M.

Carried.

The following communication was received from the Comptroller of State :

COMPTROLLER'S OFFICE,
March 6th, 1858. }

To the Hon. the President of the Senate :

SIR :—The following concurrent resolution has been duly received at this office :

Resolved, By the Assembly, the Senate concurring, that the Comptroller of State and Treasurer of State be, and they are hereby, requested to furnish to both branches of the Legislature, a statement of the number of acres of tule and overflowed lands which have been surveyed in the different counties of the state, and the amount of money received, whether as principal or interest, for the same.

In answer to the above, I have the honor to state, that the books in this office do not show whether the moneys that have been received for swamp and overflowed lands, were paid as principal or interest. The county auditors' reports to this office give the moneys received from that source in the aggregate.

It is made the duty of the county treasurer to transmit to the State Treasurer a certificate showing the name of the purchaser or purchasers, the amount of land purchased, and also stating whether the moneys paid therefor were paid as principal or interest. See Wood's Digest, page 518, art. 2723, sec. 7.

The amount of moneys received from the different counties for swamp and overflowed lands, appears in the annual reports of the Comptroller; I, nevertheless, herewith, again furnish the information called for, to your honorable body.

I have no means of knowing the number of acres of swamp and overflowed lands that have been surveyed; the law requires that information to be furnished to the Surveyor General.

I have the honor to be, sir,

your most obedient servant,

G. W. WHITMAN,

Comptroller of State.

Amounts received into the State Treasury, for Swamp and Overflowed Lands, from the following Counties, viz.:

Year.	Counties.	Amount.
1855.....	San Joaquin, - - - - -	\$2,267 17
1855.....	Solano, - - - - -	693 26
1856.....	Alameda, - - - - -	339 70
1856.....	Butte, - - - - -	347 54
1856.....	Colusa, - - - - -	386 11
1856.....	Contra Costa, - - - - -	832 31
1856.....	Humboldt, - - - - -	1,176 05
1856.....	Merced, - - - - -	291 22
1856.....	Sacramento, - - - - -	8,210 07
	Carried forward, - - - - -	\$14,543 43

Year.	Counties.	Amount.
	Brought forward, - - - - -	\$11,543 43
1856.....	San Francisco, - - - - -	521 00
1856.....	San Joaquin, - - - - -	5,944 83
1856.....	Santa Clara, - - - - -	687 90
1856.....	Shasta, - - - - -	69 84
1856.....	Solano, - - - - -	995 03
1856.....	Stanislaus, - - - - -	896 70
1856.....	Sutter, - - - - -	1,701 40
1856.....	Tulare, - - - - -	159 08
1856.....	Yolo, - - - - -	2,829 68
1857.....	Alameda, - - - - -	425 52
1857.....	Colusa, - - - - -	116 40
1857.....	Contra Costa, - - - - -	184 89
1857.....	Del Norte, - - - - -	232 80
1857.....	Humboldt, - - - - -	67 47
1857.....	Merced, - - - - -	87 50
1857.....	Napa, - - - - -	341 43
1857.....	Sacramento, - - - - -	1,600 80
1857.....	San Francisco, - - - - -	8 57
1857.....	San Joaquin, - - - - -	1,628 67
1857.....	Shasta, - - - - -	69 84
1857.....	Siskiyou, - - - - -	317 44
1857.....	Solano, - - - - -	1,134 67
1857.....	Stanislaus, - - - - -	189 31
1857.....	Sutter, - - - - -	278 16
1857.....	San Mateo, - - - - -	114 51
1857.....	Yolo, - - - - -	873 75
1858.....	Napa, - - - - -	42 05
1858.....	Sutter, - - - - -	301 65
1858.....	Tulare, - - - - -	2,817 85
1858.....	Merced, - - - - -	23 57
1858.....	Sonoma, - - - - -	143 37
1858.....	Stanislaus, - - - - -	32 80
1858.....	Fresno, - - - - -	636 32
1858.....	Humboldt, - - - - -	283 34
	Total receipts, - - - - -	\$40,301 57

COMPTROLLER'S OFFICE, March 5th, 1858.

Report accepted, and referred to Committee on Finance.
The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the third instant, passed Assembly bill No. 137, an act to extend the terms of officers of the board of supervisors of certain counties of the state;

Also, Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house;

Also, Assembly bill No. 185, an act to amend an act concerning the

office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1866.

Also, Assembly bill No. 122, an act concerning artesian wells;

Also, Assembly bill No. 123, an act in relation to the office of the county assessor of the county of San Joaquin;

Also, this day refused to concur in Senate amendments to Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff in the county of Placer;

Also, passed Assembly bill No. 200, an act to authorize the board of supervisors of Sacramento county to dispose of state lands now in possession of said county, or those that may hereafter come lawfully into its possession, to the best advantage for the redemption of county indebtedness for the relief of said county;

Also, adopted Assembly concurrent resolution, asking of Congress a donation of five per cent upon the sales of public lands in this state, for school purposes.

J. W. SOBBY, Clerk.

Assembly bill No. 127 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 128 was read first and second times, and, on motion of Mr. Abbott, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 181 was read first and second times, and referred to the delegates from Nevada, Sacramento, Monterey, and Amador.

Assembly bill No. 129 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 130 was read first and second times, and referred to the delegates from San Joaquin county.

Assembly bill No. 50, the Senate refused to concur from their amendments, and on motion of Mr. Anderson, a committee of conference was appointed on the disagreeing vote of the two Houses.

Assembly bill No. 200 was read first and second times, and referred to the Sacramento delegation.

Assembly concurrent resolution relative to sales of public lands for school purposes, was referred to the Committee on Public Lands.

The chair announced as the common time of conference on the part of the Senate, on the disagreeing vote of the two Houses, on amendments to Assembly bill No. 70. Messrs. Anderson, Baker, and Patton.

Mr. Rogers, of the Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, on the fourth instant, presented to his Excellency the Governor, Senate bill No. 148, an act to build the farm of M. Scott, Jr.; and to say:

Senate bill No. 148, an act amendatory of an act fixing the time of holding the terms of the courts in Butte county;

Also, Senate bill No. 149, an act to authorize a special term of the district court to be held in the county of Butte;

Also, Senate bill No. 150, an act making an appropriation for the payment of A. J. F. Phelps, for services rendered by him.

GEO. H. ROGERS, of Committee.

Report accepted.

Mr. Lewis, chairman of the Engrossing Committee, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined

Senate bill No. 70, an act to audit certain claims, and find the same correctly engrossed. ●

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Consideration of the special order of the day resumed, and, after further discussion, on motion of Mr. Burch, the bill was made the special order for Monday, March 8th, at twelve o'clock, M.

Mr. Griffith, by leave, presented the petition of citizens of Yolo county, praying for an increase of the school fund.

Referred to the Committee on Education.

Also, the petition of citizens of Solano county, praying the Legislature to memorialize Congress to pass an act amendatory of an act passed July 17th, 1854, which permitted the filing of a claim or title to the Ulpino Rancho before the Land Commission.

Referred to the Committee on Public Lands.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

MONDAY, March 8, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Mr. Phelps asked leave of absence, for one day, for Messrs. Sullivan, Soule, and Grant, which was granted.

Journals of yesterday read and approved.

Mr. Baker presented the petition of citizens of Placer county, praying for a division of the county, which was referred to the Committee on Counties and County Boundaries.

In compliance with a resolution of the Legislature, the Governor returned to the Senate, Assembly bill No. 192, an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857.

Mr. Johnson of Sacramento moved to reconsider the vote by which the Senate passed the bill, which was carried.

On motion of Mr. Johnson of Sacramento, the vote by which the bill passed to its third reading was also reconsidered, and the bill referred to the delegation from Sacramento.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 6, 1858.

To the Senate of California :

I have this day approved the following bills :

An act amendatory of an act entitled an act fixing the times of holding the terms of the county courts, courts of sessions, and probate courts, in and for the county of Butte ;

Also, an act to authorize a special term of the district court to be held

in the county of Butte, and to fix the time for holding such special term;

Also, an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him.

JOHN B. WELLER.

COMMUNICATION.

The following message and communication were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 6, 1858.

To the Senate of California:

I transmit, herewith, a letter, received on yesterday, from the Attorney General, furnishing estimates of the expenses of his office for the next fiscal year. The time of this officer, during my administration, has been exclusively devoted to the public business, and I have no hesitation in saying that, according to the rates established amongst professional men, he has already earned more than his year's salary. His salary cannot, under the constitution, be increased during his term of office: but I suggest to your honorable body the propriety of allowing him a liberal contingent fund, out of which he can employ a clerk, and defray other necessary expenses of his office.

This would, in all probability, very frequently supersede the necessity of employing other counsel to assist the state in important cases.

I know that his whole time, during the present year, will be necessary to the proper and efficient discharge of the duties of his office.

I therefore recommend an appropriation of fifteen hundred dollars to cover the contingent expenses of his office for the next fiscal year.

JOHN B. WELLER.

Read, and referred to the Committee on Finance.

ATTORNEY GENERAL'S OFFICE, }
Sacramento, March 7, 1858.

His Excellency John B. Weller:

SIR:—Your letter of this date, directing my attention to Senate resolution of the second instant, requesting the state officers to furnish that House an estimate of the contingent fund required for the use of their offices respectively during the tenth fiscal year, is before me.

In answer, permit me to say that the rent of the Attorney General's office for the next year will be six hundred dollars, or fifty dollars per month, and other contingents will require from six hundred to one thousand dollars. It is probable that the state will unfortunately be engaged in many lawsuits, (some are now pending,) and if so, the latter sum will not be too great.

A discharge of official duties will require very frequent absence from the capital during the ensuing year, and it would, perhaps, be proper for me to employ a clerk during such absence, but I cannot do so unless an appropriation is made for that purpose.

Respectfully, yours,

THOS. H. WILLIAMS.

Referred, with the Governor's communication.

The following communication was received from the Secretary of State:

STATE OF CALIFORNIA, OFFICE OF SECRETARY OF STATE, }
Sacramento, March 6th, 1858.

To the President of the Senate:

In answer to a resolution of the Senate of March 2d, 1858, requesting the state officers to furnish an estimate of the amount of contingents of their office, for the tenth fiscal year, I have the honor to report to your honorable body the following:

For contingency of the office of Secretary of State,	-	\$1,200 00
For contingent for the State Library,	- - -	1,000 00
For contingent for the Board of Examiners,	- - -	250 00

Very respectfully,

FERRIS FORMAN, Sec'y of State.

Communication received, and referred to the Committee on Finance.

The following communication was received from the Comptroller of State:

OFFICE OF COMPTROLLER OF STATE, }
Sacramento, March 8, 1858.

To the Honorable the President of the Senate:

SIR:—In accordance with a resolution of the Senate, passed March 2d, I beg leave to submit the following estimate:

For contingent fund for the office of State Comptroller for the tenth fiscal year, twenty-five hundred dollars.

Respectfully,

G. W. WHITMAN, State Comptroller.

Referred to the Committee on Finance.

COMPTROLLER'S OFFICE, }
Sacramento, March 8, 1858.

To the Honorable the President of the Senate:

There will be the following deficiencies in the appropriations for the ninth fiscal year, to wit:

For salary of Governor,	- - - - -	\$113 22
For salary of Comptroller,	- - - - -	500 00
For salary of Treasurer,	- - - - -	26 32
For salary of Secretary of State,	- - - - -	9 00
For salary of Quartermaster General,	- - - - -	1,000 00
For salary of clerks in Comptroller's office,	- - - - -	1,720 00
For salary of clerks in Secretary of State's office,	- - - - -	76 98
For salary of Supreme Judges,	- - - - -	456 00
For salary of District Judges,	- - - - -	16,000 00
For salary of Governor's Private Secretary,	- - - - -	10 41
For support of Insane Asylum,	- - - - -	5,150 00
For rent of Attorney General's office,	- - - - -	40 00
For pay of Experts to examine printing accounts,	- - - - -	245 81
For stationery, fuel, and lights,	- - - - -	1,500 00
For distributing Laws, Journals, and Reports, of ninth session, through post-office,	- - - - -	850 00
Total deficiencies,	- - - - -	\$27,697 74

Respectfully,

G. W. WHITMAN, State Comptroller.

Communication received, and referred to the Committee on Finance.

Mr. Phelps introduced a bill for an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved May 15, 1854.

Read first and second times, and referred to the Committee on Finance.

Mr. Griffith introduced a bill for an act to authorize the construction of certain wharves.

Read first and second times, and referred to the Committee on Corporations.

Mr. Bell, by leave, introduced a bill for an act for the prevention of the taking of trout fish during certain months of the year.

Read first and second times.

Mr. Gregory moved to refer the bill to the Committee on Commerce and Navigation.

Lost.

On motion of Mr. Melony, the bill was referred to a select committee to consist of five.

Mr. Phelps moved to reconsider the vote by which Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house, passed on the 6th inst., which was carried.

On motion of Mr. Phelps, the vote by which the bill passed to its third reading, was reconsidered, and the bill was referred to the San Francisco delegation.

The chair announced as the select committee, to whom Senate bill No. 183 was referred, Messrs. Melony, Anderson, Bell, Gregory, and Berry.

Mr. Bell, by leave, made the following report:

MR. PRESIDENT:—Mr. Bell, of the delegation from Contra Costa and Alameda, to whom was referred an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof, begs leave to report the bill to the Senate, and most respectfully recommend its passage, with the following amendment:

Insert in section first, in line one, after the words "B. C. Whitman," the words "A. M. Brocklebank and A. R. Melony."

S. B. BELL.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro moved to reconsider the vote by which the Senate, on the 6th inst., passed Senate bill No. 159, an act to improve the navigation of Petaluma Creek.

Mr. Carpenter moved to lay the motion to reconsider on the table, which was carried.

Mr. Johnson of Sacramento, reported back Assembly bill No. 192, an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857, with the following amendment:

Amend in enrolled bill section three, line three, by striking out the word "next" and insert in lieu thereof, in figures, "1858."

Amendment adopted, and, on motion of Mr. Johnson of Sacramento, the rules were suspended, bill read a third time, and passed.

Mr. Goodwin asked unanimous leave to reconsider the vote by which the Senate, on the third instant, indefinitely postponed Senate bill No. 37, an act granting to Matthew Woods the right to construct a wire suspension or truss bridge across the Yuba River.

Objections being made, Mr. Goodwin was granted leave to withdraw the bill.

GENERAL FILE.

Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was, on motion of Mr. Griffith, made the special order of the day for Tuesday, March 9th, at one o'clock, P. M.

Senate bill No. 163, an act for the relief of Alexander Bell, was read a third time.

On motion of Mr. Burch, the vote by which Senate bill No. 8 was made the special order for Tuesday, was reconsidered, and bill laid on the table.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly did, on March 5th, concur in Senate amendments to Assembly concurrent resolution, relative to a weekly mail from Weaverville, *via* mouth of Cañon Creek, to Cañon City, in Trinity county;

And, on Saturday last, passed Assembly bill No. 110, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1855;

Also, Assembly bill No. 198, an act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Shasta:

Also, Assembly bill No. 208, an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Also, Senate bill No. 12, an act making appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison-buildings about to be erected at the state prison, at San Quentin.

J. W. SCOBEEY, Clerk.

MARCH 8, 1858.

Assembly bill No. 110 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 188 was read first and second times, and referred to the senator from Tuolumne.

Assembly bill No. 198 was read first and second times, and referred to the delegation from Shasta.

Assembly bill No. 208 was read first and second times, and referred to the Committee on Finance.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly respectfully request the Senate to transmit to that body the Governor's messages, vetoing the El Dorado wagon road bills.

J. W. SCOBEEY, Clerk.

The secretary was instructed to transmit the original Governor's messages, vetoing the wagon road bills, to the Assembly.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate bill No. 56, an act to provide for a convention to revise and change the constitution of this state, was taken up, Mr. Burton in the chair.

After discussion, the president resumed the chair.

On motion of Mr. Gregory, the bill was made the special order of the day for to-morrow, Tuesday, March 9th, at twelve o'clock, M.

The further special order, Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857, was taken up.

Mr. Bell moved to lay the bill on the table, which was lost.

Mr. Holden moved to recommit the bill to the Judiciary Committee, to report "the legal effect the passage of the bill will have on corporations and those holding under them," which was lost.

Mr. Goodwin moved to make the bill the special order of the day for Friday, March 12th, at twelve o'clock, M., which was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Rogers, Dickinson, and Anderson.

Mr. Bell moved to make the bill the special order of the day for Tuesday, March 9, at twelve o'clock.

Lost.

Question on the passage, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 17—noes, 13:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Dickinson, Ferguson of Sierra, Gregory, Hamm, Johnson of Sacramento, Johnson of El Dorado, Merritt, Pacheco, Rogers, Taliaferro, and Thom—17.

NOES—Messrs. Allen, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Griffith, Hart, Holden, Lewis, Melony, and Phelps—13.

So the bill was passed.

Mr. Gregory gave notice that, on to-morrow, he would move for a reconsideration of the vote just taken.

Further special order, Senate joint resolution No. 14, in relation to the modification of the pre-emption law of California, was taken up.

Pending which, the following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day passed, notwithstanding the objections of the Governor, Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road;

Also, Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose.

J. W. SCOBEEY, Clerk.

MARCH 8, 1858.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No

172, an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer.

J. W. SCOBEE, Clerk.

Assembly bill No. 172 was read first and second times, and referred to the Committee on Finance.

On motion of Mr. Ferguson of Sacramento, Senate joint resolutions No. 14 were made the special order of the day for Wednesday, March 10, at twelve o'clock, M.

Mr. Griffith, by leave, made the following report :

MR. PRESIDENT :—The delegation from Napa county, to whom was referred Assembly bill No. 151, an act for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa, have considered and amended the same as therein shown, and recommend its passage, as amended.

H. GRIFFITH.

On motion of Mr. Griffith, Assembly bill No. 151 was taken up, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, rules suspended, bill read a third time, and passed.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest : THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

MONDAY, March 9, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT :—Your Committee on Claims, to whom were referred the claim of Miller & Andrews, for one clock furnished the Senate in the year 1855;

And the claim of Firderer & Caduc, for ice furnished the Supreme Court, in the year 1856;

And the claim of Carswell & Hossack, for papers furnished the Supreme Court in the year 1856;

And the claim of James O'Connor, for balance due for services rendered as superintendent of quarry at state prison in the year 1856;

And, the petition of citizens of Drytown, asking for an appropriation of one thousand dollars to build a Catholic church ;

Have had the same under consideration, and recommend that they be rejected.

E. F. BURTON, Chairman.

Report accepted.

MR. PRESIDENT :—Your Committee on Claims, to whom was referred the claim of Pacific Express Co., have had the same under consideration, and have directed me to report the following bill, and recommend the passage of the same.

E. F. BURTON, Chairman.

MR. PRESIDENT :—Your Committee on Claims, to whom was referred the memorial of James Smiley, as far as relates to the value of stone-work per cubic foot, have directed me to report no alteration in their former estimate.

E. F. BURTON, Chairman.

Reports accepted, and, with bills, placed on file.

Mr. Holden, chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—The Committee on Public Lands, to whom was referred Assembly concurrent resolution asking of Congress a donation of five per cent. upon the sales of public lands in this state for school purposes, have had the same under consideration, and I am instructed to report the same back to the Senate, without amendment, and recommend their passage.

HOLDEN, Chairman.

Report accepted, and, with resolutions, placed on file.

Mr. Merritt, of the Committee on Corporations, asked and obtained leave to withdraw the report of the committee upon and substitute for Senate bill No. 122, an act authorizing certain persons to construct a telegraph line from the city of San Francisco to the city of Los Angeles, and specify their rights and liabilities, and to substitute therefor a unanimous report and another substitute.

Mr. Sullivan, chairman of the Committee on State Library, made the following report :

MR. PRESIDENT :—The Committee on State Library have had under consideration Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9th, 1850, and report the same back, with amendments, and recommend its passage as amended.

E. L. SULLIVAN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Thom, chairman of the Committee on Public Expenditures, made the following report :

MR. PRESIDENT :—Your Committee on Public Expenditures, to whom was referred the message of his Excellency, the Governor, with accom-

panying documents, relative to the purchase of a new seal of state, have had the same under consideration, and have authorized me to report the same back to the Senate, with the accompanying bill, and to recommend its passage.

C. E. THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Melony made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 218, entitled an act in relation to the office of county assessor of the county of San Joaquin, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage.

MELONY.

Report accepted, and, with bill, placed on file.

Mr. Gregory, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857.

Mr. Burton rose to a point of order, that the question having been once reconsidered, it is not in order to reconsider a second time, under the nineteenth rule of the Senate.

The chair decided that as the passage of the bill had never been reconsidered, it was in order to move a reconsideration of that vote ; the point was not, therefore, well taken.

Mr. Burton appealed from the decision of the chair.

The question being, " Shall the decision of the chair stand as the judgment of the Senate ? " the ayes and noes were demanded by Messrs. Garter, Berry, and Anderson, and taken, with the following result :

AYES—Messrs. Allen, Baker, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Phelps, Soule, and Sullivan—23.

NOES—Messrs. Anderson, Berry, Burch, Burton, Carpenter, Hamm, Merritt, Pacheco, Rogers, Taliaferro, and Thom—11.

So the decision of the chair was sustained.

The question recurring on Mr. Gregory's motion to reconsider the vote by which the bill was passed, the ayes and noes were demanded by Messrs. Merritt, Carpenter, and Anderson, and taken, with the following result : Ayes, 16—noes, 18 :

AYES—Messrs. Allen, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of El Dorado, Melony, Phelps, and Sullivan—16.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Dickinson, Ferguson of Sierra, Hamm, Johnson of Sacramento, Ketchum, Lewis, Merritt, Pacheco, Rogers, Soule, Taliaferro, and Thom—18.

So the Senate refused to reconsider.

Mr. Taliaferro moved to take from the table the motion to reconsider

the vote by which the Senate, on the sixth instant, passed Senate bill No. 159, an act to improve the navigation of Petaluma Creek.

Carried.

On motion of Mr. Taliaferro, the votes by which the bill was passed and went to its third reading, were reconsidered, and the bill referred to the delegation from Sonoma.

Mr. Merritt moved to take from the calendar the substitute reported from Committee on Corporations for Senate bill No. 122, an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles.

Lost.

Mr. Griffith, by leave, introduced a bill for an act authorizing Andrew P. Jackson to construct a wharf in Solano county.

Read first and second times, and referred to the Committee on Public Lands.

Mr. Griffith, by leave, introduced a bill for an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the north half of the southwest quarter of section number thirty-six, township five, range two west, Mount Diablo base and meridian, in the county of Solano.

Read first and second times, and referred to the Committee on Public Lands.

On motion of Mr. Ferguson of Sacramento, the rules were suspended, and the claim of the Pacific Express Company received, and referred to the Committee on Claims.

Mr. Griffith moved to take from the table Senate bill No. 140, an act for the relief of James M. Anderson.

Carried.

Mr. Griffith moved to amend the bill by striking out, in section one, the words, "four thousand," and insert, "one thousand."

Lost.

The question, being on the rejection of the bill as recommended by the Committee on Claims, was put, and carried.

Mr. Ferguson of Sacramento moved to take from the table Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851.

Carried.

And, on motion, the bill was recommitted to the senator from Sacramento, with instructions to insert the following, as a substitute for section ten:

"Section ten—The provisions of this act shall apply only to contracts made and entered into after the first of July, 1858. All contracts made and entered into prior to the first of July, 1858, or now in existence, payable after the first of July, 1858, may be prosecuted and enforced under the act to which this is amendatory. All acts and parts of acts, so far as they conflict with this act, are hereby repealed."

SPECIAL ORDER.

Senate bill No. 56, "an act to provide for a convention to revise and change the constitution of this state," was taken up.

Mr. Anderson moved to recommit the bill, with the following instructions:

Recommit to the Judiciary Committee, with instructions to report the bill back to-morrow, with the following additional section :

"Section —. It shall be lawful for the electors voting for members of said convention herein provided, to use ballots designating their choice for such members, with the words "No convention," or other words of the same effect, written or printed thereon, and the inspectors and judges of elections, at each and every poll, shall ascertain and make returns of the number of electors so voting, as in the case of the candidates voted for at said time and place; and the clerk, after the board of canvassers shall have declared the result upon all the questions then voted upon by the people, shall forward to the office of the Secretary of State, in connection with the vote upon members, and embraced in the same certificate, the result of the vote provided for in this section; and if it shall appear that a majority of the electors voting at said election for members have voted "no convention," or other words to the same effect, then the Secretary of State shall certify that fact to the Governor, who shall forthwith make proclamation of the same, and no convention shall be held under the provisions of this act; but if no such proclamation is made, then the members elected shall proceed to the discharge of the duties assigned them in the preceding sections of this act."

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Baker, and Grant, and taken, with the following result : Ayes, 5—noes, 29 :

AYES—Messrs. Anderson, Baker, Burch, Griffith, and Hamm—5.

NOES—Messrs. Allen, Berry, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Mesick, Pacheco, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—29.

So the amendment was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Melony, and Burton.

Mr. Carpenter moved a call of the Senate,

Which was carried.

Absent, Messrs. Thom and Garter.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Thom and Garter, appearing at the bar of the Senate, were, on motion, admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes having been demanded, the roll was called and taken, with the following result : Ayes, 10—noes, 25 :

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Garter, Johnson of Sacramento, Merritt, Melony, and Rogers—10.

NOES—Messrs. Allen, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Mesick, Pacheco, Phelps, Soule, Sullivan, Taliaferro, and Thom—25.

So the Senate refused to pass the bill.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 171, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851;

Also, concurred in Senate concurrent resolution No. 30, authorizing the Governor, Lieutenant-Governor, and Secretary of State, to examine sites for a branch state prison.

J. W. SCOBEX, Clerk.

Further special order, Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, was taken up.

Mr. Goodwin, offered the following as a substitute for section two of the bill, which was adopted :

Section 2. Section number two hundred and thirty-one of said act is hereby amended so as to read as follows :

"The judgment debtor, or a redemptioner, may redeem the property from the purchaser within six months after the sale, on paying the purchaser the amount of his purchase, with ten per cent. thereon in addition, together with the amount of any assessments or taxes which the purchaser may have paid thereon after the purchase, and the interest on such amounts, and if the purchaser be also a creditor, having a lien prior to that of the redemptioner, the amount of such lien, with interest; *Provided*, that if the purchaser be the plaintiff in the execution or order of sale, or the owner of the same, then the defendant or redemptioner may redeem from him, upon paying the amount of the bid, with ten per cent. interest thereon, together with any assessment or taxes which the said plaintiff or owner may have paid, and the amount of any lien held by said plaintiff or owner subsequent to the one upon which the sale was had, and prior to that of the redemptioner; *Provided*, the commissions of the sheriff shall in no case exceed the sum of three hundred dollars, for sales upon one execution or order of sale."

Mr. Griffith offered the following as an additional section of the bill :

"In case no redemption shall be made, and the purchaser shall have deceased, pending the term of redemption, the executor, administrator, or other legal representative of such purchaser, shall receive the deed for such property from the proper officer making such sale, as trustee for the estate of such purchaser."

Which was adopted.

Mr. Johnson of El Dorado moved to strike out the proviso in the amendment to section two, offered by Mr. Goodwin.

Lost.

The bill was then ordered engrossed, and read a third time.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee;

Also, Senate bill No. 176, an act supplementary to an act entitled an

act supplementary to an act entitled an act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano, approved May 3, 1852, approved April 25, 1757;

Also, Senate bill No. 178, an act to fix the compensation of the members of the board of supervisors of Siskiyou county;

Also, Senate bill No. 179, an act to change the name of Christian II. Hwass to Francis Williams;

Senate bill No. 168, an act to extend the time for assessing the tax for state purposes, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEE, Assembly Clerk.

MARCH 9, 1858.

Senate bill No. 168, Senate concurred in amendments of Assembly.

GENERAL FILE.

Senate bill No. 163, an act for the relief of Alexander Bell—

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Soule, Thom, and Lewis, and taken with the following result: Ayes, 13—noes, 16:

AYES—Messrs. Baker, Berry, Burch, Burton, Bell, Chase, Ferguson of Sacramento, Grant, Gregory, Griffith, Mesick, Sullivan, and Taliaferro—13.

NOES—Messrs. Anderson, Allen, Coulter, Garter, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, and Thom—16.

So the Senate refused to pass the bill.

Senate bill No. 164, an act for the relief of S. F. McKenzie, was read a third time.

The question being on the passage of the bill, was put and lost.

Mr. Ferguson of Sacramento, by leave, made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Senate bill No. 8, with instructions to report a certain substitute for section ten, of said bill, reports the same back and recommends the passage of the substitute.

W. I. FERGUSON, Committee.

On motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered, and amendments of committee adopted.

Mr. Berry offered the following as a substitute for the bill:

Strike out all after the enacting clause, and insert the following:

SECTION 1. Section one hundred and twenty-two of said act is hereby amended so as to read as follows:

Section one hundred and twenty-two—Before issuing the writ the clerk shall require a written undertaking, on the part of the plaintiff, in a sum equal to the amount claimed; *Provided*, said amount does not exceed the sum of five hundred dollars; and in the sum of five hundred dollars if the amount claimed exceeds that sum, with an amount added thereto sufficient to cover the costs in the action; with sufficient sureties, to the effect that if the defendant recover judgment, or if, upon motion of the defendant the attachment be discharged, the plaintiff will pay all costs of

the attachment if the same have been improperly issued; and all costs and all damages, which defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, if final judgment be rendered in favor of defendant.

SEC. 2. Section one hundred and twenty-three of said act is hereby amended so as to read as follows:

Section one hundred and twenty-three—The writ shall be directed to the sheriff of the county, or separate writs to the sheriffs of different counties, at the same time, on application of the plaintiffs, and shall require the sheriff to attach and safely keep all the property of the defendant within his county, not exempt from execution, or so much thereof as may be sufficient to satisfy the demand of the plaintiff, the amount of which shall be stated in the attachment, unless the defendant give him security, by the undertaking of two or more sufficient sureties, in an amount sufficient to cover the value of the property attached, and the costs of the officer, in which case to take such undertaking.

The question being on the adoption of the amendment, the ayes and noes were demanded by Messrs. Berry, Anderson, and Coulter, and taken, with the following result: Ayes, 9—noes, 23:

AYES—Messrs. Anderson, Baker, Berry, Burton, Goodwin, Merritt, Mesick, Soule, and Sullivan—9.

NOES—Messrs. Allen, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Pacheco, Phelps, Rogers, Taliaferro, and Thom—23.

So the amendment was lost.

The motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Anderson, and Berry, and taken, with the following result: Ayes, 22—noes, 10:

AYES—Messrs. Allen, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Pacheco, Phelps, Rogers, Taliaferro, and Thom—22.

NOES—Messrs. Anderson, Baker, Berry, Burton, Goodwin, Gregory, Merritt, Mesick, Soule, and Sullivan—10.

So the bill was passed.

Mr. Taliaferro, by leave, reported verbally Senate bill No. 159, an act to improve the navigation of Petaluma creek, with amendments.

Bill considered in Committee of the Whole.

Pending discussion, Mr. Melony moved to refer the bill to the Judiciary Committee.

Carried.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 12, making an appropriation to pay M. F. Butler for his

services in preparing plans and specifications for prison buildings at San Quentin, and find the same correctly enrolled.

E. GARTER, Chairman.

GENERAL FILE RESUMED.

Senate bill No. 165, an act for the relief of James D. Potter, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Berry, and Rogers, and taken, with the following result: Ayes, 25—noes, 3:

AYES—MESSRS. Baker, Berry, Burch, Burton, Bell, Coulter, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Mesick, Pacheco, Phelps, Soule, Sullivan, Taliaferro, and Thom—25.

NOES—MESSRS. Anderson, Hamm, and Rogers—3.

So the bill passed.

Senate bill No. 70, an act to audit certain claims, was read a third time, and passed.

Assembly bill No. 44, an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof—

Pending discussion, Mr. Merritt called the previous question, which was not sustained.

The question, being on the adoption of the amendment of committee, was put, and lost.

The bill was then read a third time.

Mr. Goodwin moved to re-refer the bill to the senator from Alameda, with instructions to insert after the name of B. C. Whitman, the names of the chairmen of the boards of supervisors of both counties, and that a majority of these make up the award, which was adopted, and the bill so referred.

On motion of Mr. Burton, the rules were suspended, and the report of Committee on Claims, with claim of J. Smiley, was taken up, and made the special order of the day for Thursday, March 11, at twelve and a half o'clock.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

SAM. A. MERRITT, President *pro tem.* of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

WEDNESDAY, March 10, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Merritt in the chair.

Mr. Sullivan, by leave, presented Comptroller's warrant No. 697, for

five thousand dollars with petition of Ben. Seale, which was referred to the Committee on Claims.

Mr. Mahan, chairman of the Committee on Agriculture, made the following report:

Mr. President—Your Committee on Agriculture in place was referred Assembly bill No. 212, entitled An act concerning certain railroads, that the same be for consideration, and recommended report thereon back to the Senate and recommended that it be indefinitely postponed.

MAHANY, Chairman.

Report accepted, and with bill placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

Mr. President—Your Committee on Claims to which were referred the claim of Robert A. Williamson, the same were furnished the Secretary of State's office by the receipt of December, 1866, and the receipt of January and February, 1867.

And the claim of Joseph J. Leonard, for stationery furnished the Supreme Court, in the year 1855;

And the claim of F. H. W. Smith for dry dock dues upon pay, of four dollars per day, as part of the Service, in the year 1864.

Have read the same under consideration, and recommended that they be reported.

E. F. BURTON, Chairman.

Report accepted, and with bills placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

Mr. President—The Committee on Enrolled Bills have examined Senate bills Nos. 49 and 100, and find the same correctly enrolled.

Also Senate bill No. 104 we act to provide for the authentication of certain evidence in relation to wrongs and offenses of Senate Secretaries and by this means, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Thom, chairman of the committee of five members on the disagreement vote of the two Houses on Senate concurrent resolution No. 26, made the following report:

Mr. President—Your committee of five members, selected to take into consideration the points of disagreement between the Assembly and Senate, in the allowing of the claim of John V. Smith, for constructing a platform in front of the capitol, on the fourth day of January, a. d. 1867, have met a three-member committee appointed by the House—attended to the various divisions upon them, and beg leave to report, that all differences have been adjusted and settled, and it is unanimously agreed that the sum of one hundred and fifty dollars, the amount originally claimed by the Senate to John V. Smith, is just and proper for the services rendered by him for furnishing materials and constructing platform, and that the sum ought to be paid to him as mentioned in said resolution.

C. E. THOM, Chairman Senate Committee.

C. E. DE LONG, Chairman Assembly Committee.

Report adopted.
The president in the chair.

INTRODUCTION OF BILLS.

Mr. Bell introduced a bill for an act amending an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, approved April 21, 1857.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Johnson of Sacramento introduced a bill for an act for the relief of Sacramento county.

Read first and second times, and referred to the Judiciary Committee.

Mr. Burton introduced a bill for an act making appropriations to meet deficiencies heretofore made, from January 1, 1857, to July 1, 1858.

Read first and second times, and referred to the Committee on Finance.

Mr. Ferguson of Sierra offered the following resolution, which was adopted :

Resolved, That the sergeant-at-arms be and is hereby directed to furnish the Assembly with copies of all bills ordered printed by the Senate.

Mr. Garter made the following report :

MR. PRESIDENT:—The Tehama delegation, to whom was referred Assembly bill No. 232, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county, report the same back to the Senate, and recommend its passage.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 180, reported by Judiciary Committee, an act empowering the Governor of this state to pardon one Cyrus W. Deable, was read first and second times, and on motion of Mr. Chase, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 150, an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26, 1856, was laid on the table.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 10, 1858. }

To the Senate of California :

Although the state prison is only temporarily under my charge, I deemed it proper on a recent visit to that institution to make some material changes in its government. The rules hitherto adopted seem to have been intended almost exclusively for the convicts, leaving nearly everything to the discretion of the officers. As might be expected, they have frequently abused their power, and shamefully treated the unfortunate

prisoners. Instances have been cited to me which would disgrace any civilized community. In view of these facts, I did not hesitate to prescribe such rules as would in the future, correct, at least, some of the abuses, which I doubt not have, for a series of years, been practiced in that prison.

Orders were given to convert some of the cells immediately into dungeons, where punishment, more in accordance with the spirit of the age, could be inflicted on the refractory.

There are some men in the prison who are, in my opinion, entitled to Executive clemency, but under the law, as it now stands, they must remain there for years. I refer to that unfortunate class who have neither friends nor money to give the notice which the law requires before the Governor can consider an application for pardon.

Several cases of this sort have come under my observation. The law ought to be modified so as to enable the Executive, in extraordinary cases of this character, to suspend the notice; or, if it is feared that he would abuse the power, let him be authorized to make the publication at the expense of the treasury. It seems to me that justice and humanity demand this. The number of prisoners is increasing, and unless the practice of sending for such long terms is abandoned, we will have in a short time one thousand convicts. We have now upwards of five hundred, and suitable accommodations cannot be provided at San Quentin for more than three hundred. As the location is a bad one, a branch prison, therefore, becomes indispensable. In my opinion, a contract can be made with individuals, who will take the labor of two hundred convicts at the prison, and pay a sufficient amount to defray more than half the expenses of the institution. I did not feel at liberty to make any contracts in regard to this matter, as the Legislature is about to organize the institution on a permanent basis.

At present they are employed in preparing to manufacture brick and clearing off the public grounds.

As the subject is now before the Legislature, I deem it proper to transmit the rules which have been established for the government of the prison.

The communication marked "B," was read to the convicts on yesterday, and will be repeated every day for a week, in order that they may fully comprehend it.

The only change made in the officials was the dismissal of Capt. Conner, builder and architect, and the appointment of Capt. Gordon, who has had much experience as an officer in prisons here and in the Atlantic States, to the position of superintendent of labor and police.

JOHN B. WELLER.

[B]

The Governor of the State, who has for the present, the control of the prison, deeply sympathizes with the unfortunate men who are incarcerated because of their violation of the laws of the land. He is disposed to do everything in his power consistent with his duty as chief magistrate of the state, to ameliorate their condition, and if possible reclaim them back to the paths of virtue.

Having understood that the most inhuman punishments have been inflicted upon them previous to his taking possession of the prison, he has ordered that as soon as dungeons are provided, corporal punishments

for the present should be abandoned, and that no officer or employee should be allowed to strike a convict, unless in self-defence or to prevent an escape. He has also directed that they should be treated with all the kindness consistent with their security, and every proper effort made to induce them to reform. He has given orders which he doubts not will very materially mitigate their sufferings. He trusts these changes will have a salutary effect upon the prisoners, and that they will show by a prompt compliance with the rules of the prison, that they properly appreciate his clemency. Many of them are young men, still in the morning of life, with warm and generous impulses in their bosoms, and capable of becoming useful and honorable members of society.

A few years of honest, upright conduct will remove the stain which imprisonment has attached to their names.

The world, although not generally charitable, always respects honesty and integrity.

Those of the convicts who faithfully observe the rules of the prison and give satisfactory evidence of reformation, by their good conduct, will, at the expiration of their time of sentence, be restored to that right, so highly prized by all Americans—the *right of citizenship*. This will aid them in getting immediate employment, and assist them in their efforts to lead an honest life.

Those who attempt to escape, or violate the rules of the prison, have nothing to expect at his hands. The record of their conduct will be carefully examined before he restores them to any of the rights forfeited by conviction. They must be discouraged from making application to the Executive for pardon. This power will only be exercised in extraordinary cases, and upon the most satisfactory proof that public justice demands it. He has no power under the law to consider any application for a pardon until notice has been given to the judge (before whom the convict was tried) for thirty days, and published in a newspaper for twenty days. This he dare not violate, or waive. It is useless, therefore, to address him on this subject.

In regard to escapes, the guard has been increased, and such arrangements made, that it is almost morally certain that those who make the attempt will be killed. He warns them, therefore, as they value their lives, to abandon all hope of escaping. Let them show, by their good conduct, that they are entitled to the sympathy of those who have them in charge, and he doubts not they will receive it. The officers are not their enemies; they have a public duty to perform, and a faithful compliance with the rules of the prison, on the part of the convicts, will secure kind treatment from them.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 6, 1858. }

RULES AND REGULATIONS FOR THE TEMPORARY GOVERNMENT OF THE STATE PRISON.

First—The warden will have the general control of the prison and convicts, and all lawful orders which he may give must be promptly obeyed. The practice of inflicting corporal punishment must be abandoned as soon as dungeons can be provided. No officer or employee is allowed to strike a convict, unless strictly in self-defence, or when an escape is attempted.

Punishment will consist in solitary confinement in a dungeon, and being fed on bread and water. No one will be punished in this way beyond ten days, without the special authority of the Governor. No punishment can be inflicted, except by the directions of the warden, and a correct record thereof must be kept. This record will be examined by the Governor in all applications for pardon or restoration to citizenship.

It is enjoined upon all officers to treat the convicts like human beings, entitled to commiseration, and who may reform and become useful members of society. Any officer violating this principle in his intercourse with them, will be promptly dismissed.

Second—The prisoners will be mustered for their cells one hour before sunset. At eleven o'clock on Sundays, they will be formed in line, and marched to the dining-room, when a chapter in the New Testament and a sermon will be read to them by some officer, to be designated by the warden. On the first Sunday in each month, the fifth, sixth, and seventh chapters of the book of St. Matthew, of the New Testament, shall be read to the convicts, after which they will be dismissed by the officers in charge. As soon as possible, suitable books will be provided for those who desire to read on that day.

Third—The superintendent of working parties will be held responsible for the police of the prison; he will, at as early a day as practicable, classify the prisoners with reference to their country, their age, and character of crimes for which they are imprisoned.

In providing for their lodgings and employment, he will take care to treat them with as much kindness as may be consistent with security.

Prisoners, under the age of twenty-one, must be at all times as much as possible separate from adults. Whenever it can be done, they will be placed in the workshops, and taught some useful trade.

Fourth—The warden and commissary will, on each Sunday, and as often as three times each week, visit every portion of the prison, and see that the police has been properly attended to.

Fifth—None but those having only a short time to serve, and who have given evidence of good conduct, can be allowed to sleep outside the walls.

Sixth—The warden will see that the law prohibiting the sale of ardent spirits within two miles of the prison is strictly enforced. No liquor can be brought upon the prison grounds without the direct authority of the warden.

Seventh—Disorderly conduct will not be allowed in or about the prison, and the house occupied by the officers will be closed, except when public business requires it, at ten o'clock, P. M.

Eighth—The warden will hear any complaint which a convict may have to make against any officer or employee for maltreatment, and see that they are promptly investigated. He shall have power to suspend any employee from duty, but not to remove him without the authority of the Governor. When a convict arrives at the prison, before his incarceration he will be searched in the presence of the warden and commissary, and all money or valuables found on his person placed in charge of the warden, who will be held responsible for the same; that an entry thereof shall be placed on the records of the prison, and a memorandum made by the commissary in his books, to be kept for that purpose; all of which money, or other property, shall be returned to the convict when lawfully discharged.

Ninth—The superintendent of police and labor will see that every officer is provided with a badge, which must be worn at all times when on duty.

Tenth—Whenever supplies of any character whatever are necessary, the commissary will make out a requisition in proper form, which must be approved by the warden before it is presented to the board. Until further orders, the warden will make a full report of all the affairs of the prison at the end of each week.

Eleventh—The commissary will see that tin basins and rough towels are provided, and each convict is required to wash every morning. A safe place, in the immediate vicinity of the prison gun, will be arranged in the bay, where the prisoners will bathe at least once in each week, unless it materially interferes with their employment.

Twelfth—The commissary will see that every convict, lawfully discharged from the prison, is provided with a decent suit of clothes. For the present, there shall be deducted one dollar per month from the pay of each officer and employee, which shall constitute a fund in the hands of the commissary, to be distributed amongst those who may be discharged, provided that no one shall receive more than ten dollars. No other tax shall be levied on the pay-roll. In order to increase said fund, visitors to the prison are expected to contribute toward it.

Thirteenth—Visitors to the prison must not be allowed to converse with the convicts, unless in the presence of the guard; nor can any letter be delivered to them, or sent from them, until it has been read by the warden or superintendent of police and labor. They must be discouraged from addressing the Governor on the subject of pardons, as he will only grant them in extraordinary cases, and when he has satisfactory proof that the applicant is justly entitled to his clemency. Convicts who attempt to escape from the prison, or violate its rules, can expect nothing at his hands.

Fourteenth—The rules of the prison shall be read to each convict when he enters the prison, and to the prisoners on the first Sunday of each month.

Fifteenth—As soon as practicable, caps and prison uniforms will be provided for each convict.

Sixteenth—The warden, will, as soon as possible, drop the names of the convicts, and during their imprisonment they will be known only by their numbers.

Seventeenth—All rules inconsistent with these are hereby abolished.

JNO. B. WELLER.

Read and referred to the Committee on State Prison and Public Buildings.

GENERAL FILE RESUMED.

Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state—

Substitute of Judiciary Committee adopted, and bill considered as in committee of the whole.

IN SENATE.

On motion, the substitute was recommitted to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 10, 1858. }

To the Senate of California :

I herewith return, without my approval, an act to audit the claim of M. Scott, Jr.

The fourth section of the act entitled an act to provide for the government of the state prison declares, that the board of directors shall hold their first meeting at the state prison on the first Monday of June, 1855; they shall appoint one of their number president of the board, and one of their number clerk, and one of their number warden of the prison.

The object of this evidently was to prevent the board from employing a clerk. In contravention of this, Mr. Scott is employed, as is alleged. This certainly can, in no sense of the term, be denominated a legal demand. Is it an equitable one against the state? I think not; if Mr. Scott was qualified to discharge the duties of clerk, (and of this I have no doubt,) he must have known that the directors had no power to employ such an officer. On the contrary, he must have seen that they were, in substance, prohibited. Mr. Scott has an equitable if not a legal claim against the directors, but not against the state.

I regret, very much, to differ so frequently from the Legislature, but, as the Executive, I am compelled to guard, so, far as I can, the treasury from improper demands. This I must do, without stopping to inquire who the claimants are.

JOHN B. WELLER.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?" the roll was called with the following result: Ayes, 14—noes, 20 :

AYES—Messrs. Berry, Burton, Bell, Chase, Dickinson, Ferguson of Sacramento, Goodwin, Gregory, Griffith, Johnson of Sacramento, Lewis, Merritt, Mesick, and Sullivan—14.

NOES—Messrs. Anderson, Allen, Baker, Burch, Carpenter, Coulter, Ferguson of Sierra, Garter, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Rogers, Soule, Taliaferro, and Thom—20.

So the Senate refused to pass the bill.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Senate joint resolution No. 14, in relation to a modification of the pre-emption law of California, was taken up, and, on motion of Mr. Allen, made the special order of the day for Monday, March 15, at twelve o'clock, M.

GENERAL FILE RESUMED.

Assembly bill No. 36, an act to repeal the sixty-ninth section of the act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, was indefinitely postponed.

Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco, was read a third time and passed.

Mr. Allen moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 163, an act for the relief of Alexander Bell.

Mr. Anderson moved a call of the Senate, which was carried.

Roll called.

Absent, Messrs. Holden and Grant.

On motion of Mr. Chase, further proceedings under the call dispensed with.

The question being on Mr. Allen's motion to reconsider, the ayes and noes were demanded by Messrs. Anderson, Rogers, and Phelps, and taken, with the following result: Ayes, 19—noes, 14:

AYES—MESSRS. Allen, Baker, Berry, Burch, Burton, Bell, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Grant, Gregory, Griffith, Johnson of Sacramento, Johnson of El Dorado, Lewis, Mesick, Sullivan, Taliaferro, and Thom—17.

NOES—MESSRS. Anderson, Carpenter, Coulter, Garter, Goodwin, Hamm, Hart, Holden, Ketchum, Merritt, Melony, Phelps, Rogers, and Soule—14.

So the vote was reconsidered.

Mr. Pacheco moved to lay the bill on the table.

Lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Merritt, Phelps, and Dickinson, and taken, with the following result: Ayes, 15—noes, 18:

AYES—MESSRS. Baker, Berry, Burch, Burton, Bell, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Johnson of Sacramento, Mesick, Sullivan, and Taliaferro—15.

NOES—MESSRS. Anderson, Carpenter, Coulter, Dickinson, Garter, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, and Thom—18.

So the Senate refused to pass the bill.

GENERAL FILE RESUMED.

Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852—

The question being on the adoption of the report of the Judiciary Committee to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Burch, Merritt, and Berry, and taken, with the following result: Ayes, 14—noes, 20:

AYES—MESSRS. Allen, Burton, Bell, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hart, Johnson of Sacramento, Lewis, Melony, Sullivan, and Thom—13.

NOES—MESSRS. Anderson, Baker, Berry, Burch, Carpenter, Coulter, Dickinson, Garter, Gregory, Hamm, Holden, Johnson of El Dorado, Ketchum, Merritt, Mesick, Pacheco, Phelps, Rogers, Soule, and Taliaferro—20.

So the Senate refused to indefinitely postpone.

Mr. Griffith moved to suspend the rules and consider the bill engrossed and read a third time.

Carried.

Bill was then read a third time, and, on motion of Mr. Griffith, the bill was made the special order of the day for Wednesday, March 17, at one o'clock, P. M.

Senate bill No. 73, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, was indefinitely postponed.

Senate bill No. 5, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was indefinitely postponed.

Senate bill No. 141, an act to audit the claim of E. L. Brown, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded by Messrs. Merritt, Burton, and Garter, and taken, with the following result: Ayes, 12—noes, 20:

AYES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Goodwin, Grant, Griffith, Holden, Johnson of Sacramento, Merritt, Soule, and Taliaferro—12.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Hart, Johnson of El Dorado, Ketchum, Lewis, Melony, Phelps, Rogers, and Sullivan—20.

So the Senate refused to order the bill engrossed and read a third time.

Senate bill No. 122, an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles.

Substitute of committee adopted, and bill considered as in Committee of the Whole.

Mr. Carpenter moved to lay the bill on the table.

Lost.

Committee rose, and reported the bill back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted.

Mr. Anderson moved to amend the fourth section, by inserting after the word "corporations," the words "relating to telegraph companies."

Adopted.

Mr. Berry moved to strike out section seven of the bill.

Lost.

The bill was then ordered engrossed, and read a third time.

Senate bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed, and read a third time.

Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, was ordered engrossed, and read a third time.

Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra, was read a third time, and passed.

Senate bill No. 160, an act fixing the compensation of the members of the board of supervisors of Stanislaus county, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Holden, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, was, on motion of Mr. Taliaferro, made the special order of the day, for Friday, March twelfth, at twelve o'clock, M.

Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records and indexes of records, of said county, and fixing the amount of his compensation, was ordered engrossed, and read a third time.

Senate bill No. 156, an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of supervisors of said county, was ordered engrossed, and read a third time.

Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6th, 1857, was read a third time and passed.

Mr. Grant gave notice that on to-morrow he would move for a reconsideration of the vote by which the bill passed.

Senate bill No. 173, reported from Committee on Claims, an act to audit the claim of R. G. Crozier, was read first and second times.

Mr. Gregory moved to recommit the bill, with instructions to bring in a substitute, authorizing the board of supervisors of San Francisco to audit the claim.

Lost.

And bill laid over under the rules.

The report of the Committee on Claims, recommending the rejection of the claims of Miller & Andrews, for rent of Attorney General's office; A. C. Hunter, for clerk's fees in suits where the state was a party; S. H. Wetherbee, for notary at state prison, was adopted.

Senate bill No. 174, an act to audit the claim of John S. Love, was read first and second times, and, on motion of Mr. Burton, rules were suspended, and the bill ordered engrossed, and read a third time.

The report of the Committee on Contingent Expenses, recommending payment from the Senate contingent fund, of the accounts of San Joaquin Republican, \$37; Bee, \$15 75, and Messrs. Burton & McCarthy, \$8 80, was adopted.

Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14th, 1857—

On motion of Mr. Hart, the rules were suspended, bill considered engrossed, bill read a third time, and passed.

Senate bill No. 151, an act amendatory of an act entitled an act con-

cerning public ferries and toll-bridges, passed April 28th, 1855, was considered as in Committee of the Whole, and amended.

Pending further consideration, on motion of Mr. Ketchum, the bill was laid on the table.

Senate bill No. 130, an act to repeal an act entitled an act defining the time of commencing civil actions in certain cases, approved May 4th, 1852, and likewise to repeal the act supplementary thereto, approved April 2d, 1855, was indefinitely postponed.

Senate bill No. 152, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29th, 1851, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read a third time.

Mr. Merritt moved to adjourn, which was lost.

Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriating money for its support, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill read a third time, and passed.

Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1857, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill read a third time, and passed.

Assembly bill No. 213, an act in relation to the office of the county assessor of the county of San Joaquin, was read a third time, and passed.

Mr. Merritt moved to adjourn, which was lost.

Senate bill No. 90, an act authorizing the Secretary of State to procure a new seal, and to appropriate money to pay for the same, was considered as in Committee of the Whole.

IN SENATE.

Amendments of Committee of the Whole adopted.

Mr. Burton moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Thom, the bill was laid on the table.

Mr. Lewis, by leave, introduced a bill for an act concerning notaries public.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Goodwin, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

THURSDAY, March 11, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Holden, chairman of the Committee on Public Lands, made the following reports:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 185, a bill for an act authorizing Andrew P. Jackson to construct a wharf in Solano county, have had the same under consideration, and amended section second, and recommend the passage of the bill, as amended:

Amendment to section second: Insert, after the word "and," at the end of the sixth line, "he or his assigns."

HOLDEN, Chairman.

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the north half of the southwest quarter of section No. 36, township five north, range two west, Mount Diablo base and meridian, in the county of Solano, have had the same under consideration, and have amended section second, and recommend the passage of the bill, as amended:

Amend section second by inserting, after the word "he," in the third line, "or his assigns."

HOLDEN, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Pacific Express Company, for expressing for State Treasurer's office, in 1856, have had the same under consideration, and have directed me to report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom were referred the claim of B. C. Newcomb, for furniture furnished in January, 1856;

And Senate bill No. 153, to audit the account of Brigadier General A. M. Winn, for military services rendered against hostile Indians in the year 1851;

And the claim of Dr. T. O. Harvey, for medical services at state prison in December, 1857;

And the claim of George T. Rixby, for services as state armorer in the year 1851;

And the claim of Wm. Moran & Co., for papers furnished the Assembly for the months of April and May, 1855;

And the claim of J. M. Shepherd, for papers furnished the Senate in 1855;

And the claim of B. McAlpin, for fees for calls of House in 1855;

And the claim of W. H. Lyons, for services rendered as commissioner to select the seminary lands in the year 1855;

And the claim of B. McAlpin, for extra services, by order of Assembly, in the year 1855;

And the claim of A. J. Butler, for furniture and work performed for Senate, in the year 1855;

And the claim of C. Huntman, for extra allowance for one hundred and twenty-seven days as porter of the Senate, in the year 1855;

Have had the same under consideration, and recommend that they be rejected.

E. F. BURTON, Chairman.

Report accepted, and, with claims, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Pacific Express Company, for expressing for Senate in 1855, have had the same under consideration, and have directed me to report the same back, with accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Johnson, chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Military Committee, to whom was referred Senate bill No. 149, an act for the relief of Francis R. Crussell, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, with the recommendation that it pass, without amendment.

S. M. JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 28, an act to amend an act entitled an act to regulate

proceedings in civil cases in the courts of justice of this state, approved April 29, 1851 ;

Also, Senate bill No. 174, an act to audit the claim of John S. Love ;
And find the same correctly engrossed.

W. T. LEWIS, Chairman Committee.

Mr. Bell made the following report :

MR. PRESIDENT :—The delegation from Alameda, to whom was recommit-
mitted the bill entitled an act to ascertain the amount of indebtedness of
Alameda county to the county of Contra Costa, and to provide for the
payment thereof, with special instructions to insert after the name B. C.
Whitman, the names of the chairmen of the boards of supervisors of
both counties, and that a majority of these make up the award, begs
leave most respectfully to report the bill back to the Senate, recom-
mending the following amendments, and the passage of the bill, when so
amended :

First—Amend section first, by inserting after the name “ B. C. Whit-
man,” the words “ the president of the board of supervisors of Alameda
county, and the president of the board of supervisors of Contra Costa
county.”

Second—Strike out the word “ is,” in second line of section first, and
insert instead thereof the word “ are.”

Third—Wherever the word “ commissioner ” occurs throughout the bill,
insert instead thereof the word “ commissioners.”

Fourth—Wherever the words “ he,” “ his,” and “ him,” occur through-
out the bill, insert instead thereof the words “ they,” “ their,” and “ them.”

Fifth—In section sixth, line second, between the words “ prescribed ”
and “ said,” insert the words “ each of.”

Sixth—In section fifth, in the commencement of the section, before the
first word “ said,” insert the words “ majority of.”

BELL.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of Committee on Enrollment, made the following
report :

MR. PRESIDENT :—The Committee on Enrolled Bills have presented
to the Governor, for his approval, on the eleventh day of March, 1858, at
three o'clock, P. M., Senate bill No. 12, an act making appropriations to
pay M. F. Butler for his services in preparing plans and specifications for
prison buildings, about to be erected at the state prison at San Quentin ;

Also, Senate bill No. 48, an act to authorize Andrew J. Moulder, James
Van Ness, and William McKibbin, in the capacity of a board of fund com-
missioners, and Edmund Randolph, chairman of the board of examiners,
to sign certain papers and issue certain bonds ;

Also, Senate bill No. 104, an act to provide for the authentication of
certain evidence in relation to swamp and overflowed lands heretofore
sold by this state ;

Also, Senate bill No. 113, an act to audit and allow the claim of Samuel
J. Frisbee.

E. GARTER, Chairman.

Report accepted.

Mr. Burch made the following report :

MR. PRESIDENT:—The special joint committee, raised for the purpose of inquiring into the defalcations of H. Bates, late State Treasurer, and to report such action as may be necessary to render efficient aid in securing the judgments arising out of the same, have had the subject under consideration, and beg leave to report :

That the communication of F. Hereford, who has very efficiently acted as the attorney, on the part of the state, in all these actions which is herewith reported, as also a communication of Ex-Governor Johnson, show the condition of those actions, as also what has been done with regard to the recovery of the judgments obtained.

Your committee deem it necessary, in order to render efficient aid in the recovery of these judgments, that authority should be given to some one to bid for and buy property under executions in favor of the state ; also, to redeem property of debtors to the state from prior liens, and to prosecute actions for setting aside fraudulent conveyances made by judgment debtors of the state.

Your committee are of the opinion, that some portion of the heavy defalcation of the late Treasurer of State, if not the whole, may be recovered if the property authority is vested in the Attorney General.

Your committee having prepared a bill for this purpose, herewith report it to this house, with a recommendation that it pass, and ask to be discharged from the further performance of duties under their appointment.

BURCH,

Chairman Senate Committee.

S. N. HOLLADAY,)
H. W. HAVENS,) House
BEN. E. S. ELY. } Committee.

MARCH 10, 1858.

Report accepted, and, with bill, placed on file.

Mr. Soule, of the San Francisco delegation, made the following report :

MR. PRESIDENT:—The San Francisco and San Mateo delegation, to whom was referred Senate bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house, have examined the same, and request that it may be amended, by striking out the words "in fee-simple," in the seventh line of the first section, and recommend its passage.

S. SOULE, for the Delegation.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 11, 1858. }

To the Senate of California :

I return, without my approval, an act entitled an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this state.

This bill passed the Senate on the sixteenth of February, and the Assembly on the nineteenth of same month, and was evidently intended to require the Surveyor General to perform certain acts on or before the twentieth instant. The bill was placed in my hands on yesterday, and if

I approve of it, it will defeat the intention of its framers, and give that officer until the twentieth of March, 1859.

To obviate this difficulty, the bill is returned to your honorable body.

JOHN B. WELLER.

On motion of Mr. Burch, the bill and message were laid temporarily on the table.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 11, 1858. }

To the Senate of California:

I have this day approved an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city.

As a memorial, signed by a number of the most respectable citizens of San Francisco, asking me to interpose the Executive veto on this bill, has been placed in my hands, it is perhaps proper that I should assign briefly the reason why I could not grant their request.

No one doubts that it is of the utmost importance to all the interests of San Francisco that the titles by which real estate is held should be settled. Nothing, perhaps, has operated more disastrously upon that city during past years, than the unsettled condition of titles. In the conflicts produced by this state of things, fortunes have been expended in litigation, and valuable lives sacrificed.

Whether this bill will settle these disputes, and give quiet and security to the community, I confess I am not able to determine. It certainly will not close the door to litigation, and may complicate the difficulty to a greater extent. I do not see how the Legislature can decide these adverse claims in that city, and hence it may be found this act has no legal effect.

The confirmation of the pueblo, or the claim derived under the "Van Ness ordinance," would still leave Limantour and others to assert their rights, (if any,) under the treaty with Mexico, in the federal courts. If, therefore, this bill had not received the united support of the delegation from that city in the Legislature, as a question of expediency my views would have been against it. But I am not prepared to set up my judgment, on a question of this character, against the opinions of the chosen representatives of the people. Besides, many of these gentlemen were elected to the Legislature upon a public pledge to sustain this bill, and I am not disposed to prevent them from carrying out the express will of the people.

I am bound to assume that the voters who elected these senators and assemblymen fully understood their views on this subject, and I will not defeat their wishes, thus solemnly expressed.

JOHN B. WELLER.

INTRODUCTION OF BILLS.

Mr. Johnson of El Dorado, by leave, introduced a bill for an act repealing the laws now in force relating to the militia, and concerning the organization, enrollment, and discipline of the militia of this state.

Read first and second times, and ordered printed.

Mr. Grant, by leave, introduced a bill for an act to regulate the fees of witnesses and jurors in the city and county of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Mr. Johnson, of Tennessee, introduced a bill for an act concerning the property of Confederate vessels.

Read first and second times, and referred to the Tennessee delegation.

Mr. Thompson, by leave, introduced a bill for an act for the relief of James J. Wilson.

Read first and second times, and referred to the Committee on Finance.

Mr. Sedgwick, by leave, introduced a bill for an act to provide for the construction of a railroad from a point on Tennessee River to Nashville, and for the right of way for the same.

Read first and second times, and referred to the Committee on Territories.

Mr. Tallmadge, by leave, introduced a bill for an act supplementary to an act of April 20, 1864, concerning the export of minerals from the State of Texas.

Read first and second times, and referred to the Judiciary Committee.

Mr. Packard, by leave, introduced a bill for an act to amend an act entitled "to act in the case of the death of the owner of the German Steamer Congress," that were passed May 19, 1864, approved May 2, 1864, and to amend an act to fix the time for sailing the steam of the German steamer of the German Federal Steamer.

Read first and second times, and referred to the delegation from San Luis Obispo.

Mr. Rogers offered the following resolution, which was adopted:

Resolved, That the representatives of the House be and he is hereby authorized to purchase such machinery as may be required for the use of the House, for use in the good and true and judicious kind of the House.

Mr. Ward, by leave, introduced a bill for an act concerning the the character of the State to make the act against a constitutional provision.

Read first and second times, and, at request of Mr. Ward, referred to a special committee to report on it.

Mr. Butler, chairman of the Committee on Finance, made the following report:

On Finance. — Your Committee on Finance at various times referred the claim of E. W. Foster, for services as follows to the high court of appeals.

And the claim of James F. Kline, for work done as agent.

And the claim of E. Manning, for services as agent, and for the same reason.

And the claim of J. Manning, for services as agent, and for the same reason.

Have had the same under consideration, and have discussed the same in regard to the same, and the accompanying bill, and recommend the passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, passed on the

Mr. Jones gave notice that on Wednesday at 10 o'clock he would

he would introduce a bill for an act to grant the right of way to certain persons therein named, for a railroad track within the corporate limits of the city and county of San Francisco, and to run cars thereon.

The chair announced, as the special committee to whom Senate bill No. 197 was referred, Messrs. Burch, Burton, Holden, Anderson, and Goodwin.

On motion of Mr. Holden, Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes by act of Congress, passed March 3, 1853, was made the special order of the day for Saturday, March 13, at half-past eleven o'clock, A. M.

On motion of Mr. Merritt, Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken from the table, and referred to a special committee of three, with instructions to report a substitute on Tuesday next, March 16th, 1858.

The chair announced, as such committee, Messrs. Merritt, Garter, and Mesick.

On motion of Mr. Burch, Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, was taken from the table, considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of the Committee of the Whole adopted.

Mr. Anderson offered the following amendment, which was adopted :

Add to the proviso, the words, "in case said ferry shall not be located upon any of the navigable waters of this state."

Mr. Anderson moved to strike out the first section of the bill.

Pending consideration, the following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the 8th instant, passed Assembly bill No. 266, an act to repeal in part an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857 ;

Also, on yesterday, passed Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers ;

Also, Assembly bill No. 269, an act to provide for the maintenance of the indigent sick of the county of Trinity ;

Also, adopted the report of the conference committee on Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer.

J. W. SCOBEEY, Clerk.

Assembly bill No. 266 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 214 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 269 was read first and second times, and, on motion of Mr. Burch, the rules were suspended, bill read third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, the report of the Committee on Claims on the claim of J. L. Smiley for state-prison wall, was taken up and considered.

The following items, as reported by the committee, were agreed upon :

Stone-work, 177,007 cubic feet,
Brick-work, 62,316 cubic feet,
Coping, 2,060 lineal feet.

The question being on allowing the sum of thirty-five cents per cubic foot for stone-work, Mr. Anderson moved to strike out thirty-five cents and insert thirty cents.

Mr. Ketchum moved to amend by inserting thirty-two cents.

The question being on the motion of Mr. Anderson, was put, and lost.

The question recurring on the recommendation of the committee, "thirty-five cents," was put, and carried.

The question being on allowing ten dollars per thousand for bricks, as recommended by the committee, was put, and carried.

The question being on allowing eight dollars per lineal foot for coping, as recommended by the committee, was put, and carried.

The question being on the allowance of the sum of eight hundred dollars for an iron gate, as recommended by the committee, was put, and carried.

Consideration of Senate bill No. 151 resumed.

The question being on the motion of Mr. Anderson, to strike out the first section of the bill, the ayes and noes were demanded by Messrs. Anderson, Baker, and Soule, and taken, with the following result : Ayes, 8—noes, 17 :

AYES—MESSRS. Anderson, Griffith, Hamm, Lewis, Merritt, Phelps, Rogers, and Soule—8.

NOES—MESSRS. Allen, Baker, Berry, Burch, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Grant, Gregory, Hart, Johnson of El Dorado, Ketchum, Mesick, Pacheco, and Taliaferro—17.

So the motion was lost.

Mr. Griffith moved to strike out, in first section, the words "in a right line," and insert, "by the course of the stream."

Lost.

Mr. Griffith moved to strike out, in section one, "two miles," and insert "one mile."

Upon which, the ayes and noes were demanded by Messrs. Rogers, Anderson, and Griffith, and taken, with the following result : Ayes, 8—noes, 18 :

AYES—MESSRS. Anderson, Burton, Gregory, Griffith, Hamm, Lewis, Rogers, and Soule—8.

NOES—MESSRS. Allen, Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sierra, Garter, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Mesick, Pacheco, and Sullivan—18.

So the motion was lost.

The bill was then ordered engrossed, and read a third time.

GENERAL FILE.

Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, was read a third time, and passed.

Senate bill No. 174, an act to audit the claim of John S. Love, was read a third time, and passed.

Mr. Lewis, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Rogers, of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled;

Also, Senate bill No. 43, entitled an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale;

Also, substitute for Senate bill No. 58, an act to audit the claim of J. W. Denver;

Also Senate bill No. 68, an act fixing the salary of the district judge of the first judicial district;

Also, Senate bill No. 71, an act to amend section twenty of an act to regulate proceedings in civil cases, in the courts of justice of this state, passed April 29, 1851;

Also, Senate bill No. 75, an act to release B. S. Gray from liabilities to the state of California, on certain bonds;

Also, Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22, 1850;

Also, Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852;

Also, Senate bill No. 107, an act to audit the claim of Augustin Ainsa, for translating the laws of 1856 into the Spanish language;

Also, Senate bill No. 115, an act to change and fix the times for holding the court of sessions and the county court of Yuba county;

Also, Senate bill No. 133, an act to extend the time for the collection of taxes in Butte county, for 1857;

Also, Senate bill No. 176, an act supplemental to an act entitled an act supplementary to an act entitled an act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano, approved May 3, 1852, approved April 25, 1857;

Also, Senate bill No. 168, an act to extend the time for assessing the taxes for state and county purposes;

Also, Senate bill No. 173, an act to fix the compensation of the board of Supervisors of Siskiyou county;

Also, Senate bill No. 179, an act to change the name of Fermann Christian Hwass to Francis Williams;

And find the same correctly enrolled.

GEO. H. ROGERS, of the Committee.

Report accepted.

GENERAL FILE RESUMED.

Senate bill No. 129 was read a third time, and passed.

The report of the Committee on Claims, recommending the rejection of the claims of Hiller & Andrews, Fiedler & Cadot, Carswell & Hossack, James O'Connor, and petitions of citizens of Drytown, was taken up.

On motion of Mr. Ketchum, the petition of citizens of Drytown was laid on the table, the report of the committee adopted, and other claims rejected.

Assembly concurrent resolution, asking of Congress a donation of five per cent. on the sales of public lands in this state for school purposes, was concurred in.

Senate bill No. 191, reported from the Committee on Claims, an act to admit the claim of the Pacific Express Company, was read first and second times, and laid over under the rule.

Assembly bill No. 170, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, was read a third time, and passed.

Mr. Griffith, by leave, made the following minority report:

MR. PRESIDENT:—The undersigned, a portion of the Committee on Public Lands, to whom was referred Senate bill No. 148, entitled an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company, incorporated under the laws of this state, certain privileges, and for other purposes, have considered the same, and adopted a substitute therefor, which is herewith reported to the Senate, with a recommendation that the substitute pass.

The undersigned portion of the committee are of the opinion that it is to the advantage of the state, by all proper and well guarded means, to aid in the construction of all works of great public utility, as the road proposed to be built by this company. The result of the construction of this road will be to open up a large scope of agricultural country to a convenient market, thus bringing the rich agricultural counties of Napa, Sonoma, Yuba, and Sutter, into speedy and direct communication with the western trading regions, as well as with ship navigation on Napa and San Pablo Bays, thus largely increasing the wealth of the state, and opening up a large extent of unoccupied country to settlement and improvement.

H. GRIFFITH

Mr. Holden, by leave, made the following majority report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 148, an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company, incorporated rights, privileges, and for other purposes, have had the same under consideration, and I am instructed, by a majority of the committee, to make the following report:

By section first of the bill, the state is asked to grant to said railroad company, unconditionally, certain tracts of swamp and overflowed lands

in the counties of Sutter, Colusi, Yolo, and Solano, which, from the best information your committee can obtain on the subject, comprises not less than two hundred thousand acres of land the easiest reclaimed of any of the lands in this state. Under this section of the bill, the grantees of these lands are not even compelled to reclaim the land, but at the end of five years all the unreclaimed land reverts, by operation of law, to the state.

By section first, the state is asked to exempt from taxation all the property of the company until after the completion of the road. Although this may be deemed a very modest request, when compared with that made by the fifth section of the bill, yet under the present embarrassed condition of the finances of the state, your committee would scarcely deem it advisable to grant even the modest request made by the company. Therefore, your committee recommend the indefinite postponement of the bill.

HOLDEN, Chairman.

On motion of Mr. Griffith, the reports and bill were made the special order of the day for Thursday, March eighteenth, at one o'clock, P. M.

The report of the Committee on Claims, recommending the rejection of the claims of Baker & Swinerton, Josiah J. Lecount, and F. H. Wood, was taken up, and report adopted.

Mr. Soule asked and obtained leave to withdraw the papers of Messrs. Lecount & Strong.

Mr. Griffith, by leave, introduced the following resolution, which was adopted :

Resolved, That James M. Anderson be and he hereby is allowed to withdraw from the files of the Senate, his petition and accompanying papers relative to claims against the state for the detection of certain bands of robbers.

Assembly bill No. 232, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county, was read a third time, and passed.

Assembly bill No. 212, an act concerning artesian wells, was indefinitely postponed.

Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the north half of section number thirty-six, township five, range two west, Mount Diablo base and meridian, in the county of Solano, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and, on motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 185, an act authorizing Andrew P. Jackson to construct a wharf in Solano county, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and, on motion of

Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 192, reported from the Committee on Claims, an act to audit the claim of the Pacific Express Co., was read first and second times, and laid over under the rules.

The report of the Committee on Claims, recommending the rejection of the claims of A. M. Winn, T. O. Hurvey, George G. Bixby, Wm. Moran & Co., J. M. Shepard, B. McAlister, W. H. Lyons, A. J. Butler, C. Hunterman, was taken up.

Mr. Griffith moved to lay the claim of A. M. Winn on the table.

Carried.

And, on motion of Mr. Burton, the report and other claims were laid on the table.

Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts, was ordered engrossed, and read a third time.

Senate bill No. 193, reported from Committee on Claims, an act to audit the claim of the Pacific Express Co., was read first and second times, and laid over under the rules.

Senate bill No. 149, an act for the relief of Francis R. Crussell, was, on motion of Mr. Johnson, of El Dorado, laid on the table.

Assembly bill No. 44, an act to ascertain the amount of indebtedness of Adams County to the county of Contra Costa, and to provide for the payment thereof, was laid on the table.

Senate bill No. 195, an act to appropriate money for the relief of certain persons, reported from Committee on Claims, was read first and second times, and laid over under the rules.

Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco, to convey to the United States a site for a light-house, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of committee adopted, and bill read a third time, and passed.

Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state, reported from special joint committee, was read first and second times, and laid over under the rules.

Mr. Berry moved to take from the table Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, which was carried, and the bill indefinitely postponed.

On motion of Mr. Bell, the Senate adjourned.

Approved

JOS. WALKUP, President of the Senate.

Attest: THOMAS N. CAZNEAR, Secretary Senate.

IN SENATE

FRIDAY, March 12, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called

Journal of yesterday was read and approved.

PETITIONS.

Mr. Merritt presented the petitions of the Sisters of Mercy, praying for relief for taking care of indigent sick.

Referred to the Committee on Claims.

Mr. Johnson of Sacramento, presented Comptroller's warrant No. 426, for \$245 25, of James Anthony & Co.

Referred to the Committee on Claims.

Mr. Berry presented the claim of J. Tryon, for delivering state prisoners to the state prison.

Referred to the Committee on Claims.

Mr. Bell presented the petition of the board of trustees of the city of San José, paying for remuneration.

Referred to the Committee on Claims.

REPORTS.

Mr. Rogers, of the Committee on Enrollment, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills, on yesterday, presented to His Excellency the Governor, Senate bill No. 42, entitled an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled ;

Also, Senate bill No. 43, entitled an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale ;

Also, substitute for Senate bill No. 58, entitled an act to audit the claim of J. W. Denver ;

Also, Senate bill No. 68, entitled an act fixing the salary of district judge of the first judicial district ;

Also, Senate bill No. 71, entitled an act to amend section twenty of an act to regulate proceedings in civil cases, in the courts of justice of this state, passed April 29th, 1851 ;

Also, Senate bill No. 75, entitled an act to release B. S. Gray from liabilities to the state of California on certain bonds ;

Also, Senate bill No. 85, entitled an act to further extend the act concerning corporations, passed April 22d, 1850 ;

Also, Senate bill No. 93, entitled an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4th, 1852 ;

Also, Senate bill No. 107, entitled an act to audit the claim of Augustin Ainsa for translating the laws of 1856, into the Spanish language ;

Also, Senate bill No. 115, entitled an act to change and fix the time of holding the court of sessions, and the county court of Yuba county ;

Also, Senate bill No. 133, entitled an act to extend the time for the collection of taxes in Butte county for 1857 ;

Also, Senate bill No. 176, entitled an act supplemental to an act supplementary to an act entitled an act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano, approved May 3d, 1852, approved April 25th, 1857 ;

Also, Senate bill No. 168, entitled an act to extend the time for assessing the taxes for state and county purposes ;

Also, Senate bill No. 178, entitled an act to fix the compensation of the board of supervisors of Siskiyou county;

Also, Senate bill No. 179, entitled an act to change the name of Fermann Christian Hwass to Francis Williams.

GEO. H. ROGERS, of the Committee.

Report accepted.

Mr. Melony, chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly bill No. 266, an act to repeal, in part, an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26th, 1857, have had the same under consideration and respectfully report the same to the Senate, without amendment, and recommend its passage.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom were referred the claim of Jesse Hackett, for services as porter in Surveyor General's office in 1856;

And the claim of D. J. Snyder, for superintending hot-air furnace in 1856;

And the claim of James Penny, for services as porter in Supreme Court in 1856;

And the claim of George H. Mixer, for hauling library and furniture of state to Supreme Court, and putting up same in 1856;

And the claim of Jesse M. Shepard, for papers furnished Senate in 1855;

And the claim of Wm. Underwood, for furnishing state-house with water in 1855;

And the claim of Peter Gardier, for furnishing wood to the state prison in the month of February, 1856;

And the claim of Wm. S. White, for services as bailiff in the Supreme Court in 1856;

And the claim of James Anthony & Co., for furnishing papers to Assembly in the month of May, 1854;

And the claim of Firderer & Caduc, for furnishing coal to Surveyor General's office in the month of December, 1856;

And the claim of R. N. Snowden, for transporting prisoners from prison to Supreme Court;

And the claim of George N. Blake, for articles furnished the Assembly in 1854;

And the claim of John C. Gulick, for lights, fuel, etc., furnished the Legislature in the year 1854, from April 15th to May 4th;

And the claim of John C. Gulick, for lights, fuel, etc., furnished the Legislature from May 4th to May 15th, 1854;

And the claim of M. Woods, for services as porter of the Senate in 1854;

And the claim of Rivett & Co., for matting, etc., furnished the Senate in 1855;

And the claim of Wm. J. Lewis, for making survey, and giving levels of state prison grounds, in January, 1856;

Have had the same under consideration, and have directed me to report them back, with the accompanying bill, and recommend the passage of the same.

E. F. BURTON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Dickinson, of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have examined the bill of "State Journal," for papers furnished Senators for two weeks, ending March 13, amounting to \$32, and recommend that the same be paid from contingent fund of Senate.

DICKINSON, of Committee.

Report accepted, and placed on file.

Mr. Holden, chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—The Committee on Public Lands, to whom was referred Senate bill No. 139, for an act creating a state land office for the state of California, have had the same under consideration, and I am instructed to report the bill, with amendments, and recommend its passage, as amended.

Substitute for section three :

"It shall be the duty of said register to correspond with the United States Surveyor General, with the view of learning when any of the United States deputy surveyors are making surveys adjoining to any of the swamp lands of this state, and on learning that said deputies are making surveys adjoining swamp and overflowed land, said register shall authorize a competent surveyor to go with said deputies, and agree with him or them upon the line of demarkation between the state and United States lands. Said surveyor, appointed as aforesaid, is hereby authorized to summon witnesses, to prove whether the lands are or are not swamp lands, and the line agreed upon between the United States deputy surveyor, and the surveyor so appointed under the provisions of this act, shall be deemed the line between the state and United States government land; and said surveyor shall return, within twenty days after such line or lines of demarkation have been agreed upon, to the register of the state land office, with maps, and a full description of said lines so established. Said surveyor shall receive for his compensation, ——— dollars per day, to be paid out of the swamp land fund. And it shall be the further duty of said register to ascertain, by all practicable means, the extent, limits, and boundaries, or other description, of all the lands to which the state is or may be entitled, and have the title vested in the state; and, whenever necessary, to agree upon the same with the proper officers of the United States, and other persons, and to procure copies of any plats or other documents relating to or exhibiting any such lands."

In line three of section three, place "bearing the seal of his office," before "countersigned by the state treasurer."

After "office," in the second line of section fifteen, insert, "for the first six months after entering upon the duties of his office."

Add to section eighteen :

"To enable the register to make out a complete registry of all lands heretofore sold by this state, all officers in whose possession there may be

any books or papers relating to the sale of land, are hereby authorized and required to allow the register free access to the same."

Fill up the blank in line one, section fifteen, with "five hundred dollars;" the blank in the fifth line, with "fifteen cents."

In line six of same section, after "certificate," insert, "a patent."

Fill the blank in the last line of same section, with "three dollars."

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Johnson of Sacramento made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 202, an act concerning the treasury of Sacramento county, have had the same under consideration, report the bill back to the Senate, with amendment, and recommend its passage, as amended :

Amend by inserting, after the word "if," in the fourth line, the words, "general fund."

JOSIAH JOHNSON,
WM. I. FERGUSON.

Report accepted, and, with bill, placed on file.

Mr. Burch made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 68, an act to provide for the payment of the debt of Humboldt county that existed upon the thirty-first day of December, 1857, has considered the same, and reports the bill back, with a recommendation that it be indefinitely postponed.

BURCH, of Twenty-first District.

Report accepted, and, with bill, placed on file.

Mr. Pacheco made the following report :

To the Senate and Assembly of the State of California :

The joint committee of both Houses, appointed to examine and select proposals for translating the laws of 1858 into Spanish, have performed the duty, and find that Manuel Ainsa proposes to translate said laws for one dollar per folio.

John P. Brodie proposes to do the same for one dollar per folio.

F. Herrara and Jarvier Josefa offer to do the same for seventy-five cents per folio.

L. W. Daggett offers to translate, as aforesaid, for the sum of ninety cents per folio.

A majority of your committee, being satisfied of the qualifications and competency of John P. Brodie, although his bid is not the lowest, have selected his proposals as being the best, and have awarded to him the translation of the laws of 1858, which are to be translated into Spanish.

R. PACHECO,	} Senate Committee.
A. W. TALIAFERRO,	
ANDRES PICO,	} Assembly Committee.
JOHN F. TATMAN,	

Report accepted, and placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 11, 1858.

To the Senate of California :

I have, this day, approved an act to extend the time for assessing the taxes for state and county purposes ;

Also, an act to audit the claim of J. W. Denver.

JOHN B. WELLER.

Also, the following message :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 12, 1858.

To the Senate of California :

I respectfully request that I may be allowed to withdraw my message of yesterday, and the bill accompanying it, entitled an act to provide for the authentication of certain evidences in relation to swamp and overflowed lands heretofore sold by this state. My objections were directed to a single section of the bill, and I understand this difficulty will be obviated by the passage of a joint resolution.

JOHN B. WELLER.

On motion of Mr. Burch, the secretary was directed to return to the Governor his message, together with the bill.

Also, the following message :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 12, 1858.

To the Senate of California :

I have, this day, approved an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852 ;

I have also approved an act to further extend the act concerning corporations, passed April 22, 1850.

JOHN B. WELLER.

Mr. Grant, by leave, introduced a bill for an act in relation to the salaries of, and the fees received by, the county clerk (as clerk of the various courts) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties.

Read first and second times, and placed on the calendar.

Mr. Berry introduced a bill for an act supplementary to an act entitled an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1855, and the several acts amendatory thereof.

Read first and second times, and referred to the Committee on Corporations.

Mr. Ketchum moved to reconsider the vote by which the Senate, on yesterday, rejected the claim of Messrs. Baker & Swinerton.

Carried.

Mr. Johnson of Sacramento moved to consider the claim now.

Carried.

On motion of Mr. Burch, the claims were recommitted to the Committee on Claims.

GENERAL FILE.

Senate bill No. 191, an act to audit the claim of the Pacific Express Company, was ordered engrossed, and read a third time.

Senate bill No. 192, an act to audit the claim of the Pacific Express Company, was ordered engrossed, and read a third time.

Senate bill No. 193, an act to audit the claim of the Pacific Express Company, was ordered engrossed, and read a third time.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 122, an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles, and find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bill, placed on file.

Senate bill No. 195, an act to appropriate money for the relief of certain persons, was ordered engrossed, and read a third time.

Senate bill No. 122, was read a third time, and passed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Assembly concurrent resolution relative to the admission of Kansas, was taken up.

Mr. Burch moved a call of the Senate.

Carried.

Roll called.

Absent—Mr. Bell.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

Mr. Burton in the chair.

The question being on the adoption of the resolutions, after much debate,

Mr. Bell moved to make the resolutions the special order of the day for to-morrow, (Saturday,) March 13, at half-past eleven o'clock, A. M.

Carried.

On motion of Mr. Rogers, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, March 13, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Sullivan presented the remonstrance of citizens of San Francisco against the funding of the indebtedness of the city and county of San Francisco.

Referred to the San Francisco delegation.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 156, fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county ;

Also, Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records and indexes of records of said county, and fixing the amount of his compensation therefor ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Goodwin, chairman of the Committee on Public Buildings, made the following report :

MR. PRESIDENT :—The Committee on Public Buildings, to whom was referred Senate bill No. 146, have had the same under consideration, and report it back, a majority of the committee recommending its passage.

J. O. GOODWIN, Chairman.

Report accepted.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 146, an act to provide for sale of court-house for a capitol, was made the special order of the day for Tuesday, March sixteenth, at half past twelve o'clock.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—Your Committee on Finance, to whom was referred Assembly bill No. 172, an act providing for the examination and settlement of the accounts of S. A. McMeans, have had the same under consideration, and report the bill back to the Senate, without amendment, recommending its passage ;

Also, have had under consideration, Senate bill No. 158, an act to amend an act entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853, amended April 7, 1857, and report the same back, without amendment, recommending its passage ;

Have also considered Senate bill No. 142, an act to amend an act to provide revenue for the support of the government of this state, have amended the title by adding the words, " passed May 15, 1854 ; "

Also, add to section first, the following : " Taking his receipt for the same, which receipt shall be filed with the county auditor ; and the auditor shall thereupon charge the treasurer therewith, " recommending its passage as amended.

JOSIAH JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Sen-

ate bill No. 151, an act entitled an act concerning public ferries and toll-bridges, passed April 29, 1855, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro, made the following report :

MR. PRESIDENT :—Your Committee on Hospitals, to whom was referred an act to amend an act to establish an asylum for the insane of the state of California, beg leave to report it back, with an amendment, and recommend its passage.

ALFRED W. TALIAFERRO, Chairman.

Report accepted, and with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 13, 1858. }

To the Senate of California :

I have, this day, approved an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state, any property to which said wards may be entitled ;

Also, approved an act to change and fix the time for holding the courts of sessions, and the county courts of Yuba county ;

Also, approved an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands, heretofore sold by this state ;

Also, approved an act to fix the compensation of the board of supervisors of Siskiyou county ;

Also, approved an act to extend the time for the collection of taxes for 1857, in the county of Butte.

JOHN B. WELLER.

Also, the following message :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 13, 1858. }

To the Senate of California :

I have, this day, approved an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate of the testator at private sale.

In signing this bill, I respectfully suggest to your honorable body the propriety of vesting the power to sell real estate at private sale by executors, administrators, or guardians, in the district court, or some other tribunal.

Several bills of a similar character to this have passed the present session of the Legislature, and their consideration has necessarily occupied a good deal of time, and it seems to me, that a district judge residing in the locality where all the facts can be ascertained, could more readily determine the expediency of selling at private sale.

JOHN B. WELLER.

The following communication was received from Joseph Nougues :

To the Honorable the Legislature of the State of California :

GENTLEMEN :—Should your honorable body believe that the building

now occupied as a state capitol is sufficiently convenient for the meeting of the Legislature, for the one hundred and twenty-five thousand dollars that the county of Sacramento proposes to sell the above-named building, I will build a house on the public square, which was donated by the city of Sacramento to the state for the purpose of erecting a capitol thereon—in every respect according to the same plans and specifications as the one now occupied by your honorable body, with the exception of having a prison in the basement story. I will make it fifteen feet in the clear, putting in the Supreme Court room, State Library, Clerk's office, Surveyor General's and Governor's office, and as many committee rooms as the size of said basement will allow.

The house shall be completed and delivered to the commissioners by the first day of December, 1858, without any extra charge whatever, for the sum of one hundred and twenty-five thousand dollars; the state to pay me fifty per cent. on the first of every month, according to the amount of work done, and balance when the building shall be completed and delivered to the commissioners appointed for that purpose, and to the entire satisfaction of the Legislature.

In so doing, your honorable body will save to the state at least fifty thousand dollars; say twenty-five thousand dollars that it would cost to build the building on the adjoining lot for Supreme Court, various committee rooms, Governor's office, etc., thirty thousand dollars the public square is worth that would revert to the city, should you not build a house upon it, which makes fifty-five thousand dollars; deduct, say—commissioners' fees, three thousand dollars; superintendent, seven months, twenty-six days to the month, at ten dollars per day, one thousand eight hundred dollars. Showing a clear gain to the state of fifty thousand two hundred dollars in favor of building a new and better house; for I had but ninety days to build the present building, giving no time for settling as the work progressed, or the walls to dry before plastering.

I will give good and sufficient security for the faithful performance of this undertaking, should your honorable body approve of it.

Respectfully, etc.,

JOSEPH NOUGUES.

SACRAMENTO, March 12, 1858.

On motion, the communication was ordered on file, with Senate bill No. 146, special order for Tuesday next, March 16th.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 90, an act to amend an act entitled an act concerning the courts of justice of this state, and judicial officers, passed May 19th, 1853;

Also, Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22d, 1850;

Also, Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses and for other purposes, on the coast and waters of this state, with amendments, and ask the concurrence of the Senate;

Also, adopted report of chairman of Senate Committee on Claims relative to state prison wall;

Also, on the 11th instant, passed Assembly bill No. 280, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald

and A. M. Jones, for services rendered as Indian commissioners in the year 1856;

Also, Assembly bill No. 281, an act to pay Thomas Tennent for storage of the standard of weights and measures belonging to the state.

J. W. SCOBAY, Clerk.

Senate bill No. 39, Senate refused to concur in amendments made by Assembly.

Mr. Merritt moved that a committee of free conference on the disagreeing vote of the two Houses, be appointed.

Carried.

Assembly bill No. 280 was read first and second times, and bill placed on calendar.

Assembly bill No. 281 was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 16th instant, passed Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856;

Also, Assembly bill No. 41, an act for the suppression of bawdy-houses and houses of ill-fame;

Also, on the 11th instant, concurred in Senate amendments to Assembly bill No. 151, an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa;

Also, Senate joint resolution No. 26, relative to swamp lands;

Also, on the 10th instant, Assembly bill No. 175, an act to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850, passed April 30th, 1853;

Also, this day, passed Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate.

J. W. SCOBAY, Clerk.

MARCH 12, 1858.

The chair announced as the committee of conference on Senate bill No. 39, Messrs. Merritt, Grant, and Melony.

Assembly bill No. 37 was read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 41 was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 175 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 105 was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 180, an act empowering the Governor of this state to pardon one Cyrus W. Deable.

J. W. SCOBAY, Clerk.

MARCH 12, 1858.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 294, an act concerning official bonds of justices of the peace and constables of the counties of this state, substitute for Senate bill No. 162.

J. W. SCOBEEY, Assembly Clerk.

MARCH 13th, 1858.

Assembly bill No. 249 was read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill for an act to provide for the sale of certain property therein described.

Read first and second times, and referred to the Judiciary Committee.

Mr. Pacheco, by leave, made the following report :

MR. PRESIDENT:—The delegation from San Luis Obispo and Santa Barbara, to whom was referred Senate bill No. 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, to repeal an act fixing the time for holding the terms of the district court of the second judicial district, have had the same under consideration, and recommend its passage.

R. PACHECO.

Report accepted, and, with bill, placed on file.

SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of the special order of the day, Assembly concurrent resolutions relative to the admission of Kansas, were taken up.

Mr. Burton in the chair.

After discussion, Mr. Anderson moved to make the resolutions the special order of the day for Monday, March 15, at twelve o'clock, M.

Carried.

President in the chair.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 122, an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles ;

Also, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854.

J. W. SCOBEEY, Assembly Clerk.

MARCH 13, 1858.

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, with amendments, and ask the concurrence of the Senate.

MARCH 13, 1858.

J. W. SCOBEEY, Clerk.

On motion of Mr. Phelps, the bill was laid on the table.

FURTHER SPECIAL ORDER.

Senate bill No. 112, an act to provide for the sale of the sixteenth and 23s

thirty-sixth sections of land donated to the state for school purposes, by act of Congress, passed March 3, 1853, was, on motion of Mr. Holden, made the special order of the day for Thursday, March 18, at twelve o'clock, M.

On motion of Mr. Ferguson of Sacramento, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

MONDAY, March 15, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Soule, Sullivan, and Grant.

Journals of Saturday read and approved.

Mr. Rogers presented the claim of John C. Gordon, superintendent of state prison.

Referred to the Committee on Claims.

Mr. Ferguson of Sacramento presented the claim of J. T. Hall.

Referred to the Committee on Claims.

REPORTS.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following accounts, and recommend that they be allowed:

The account of Kirk & Co., for stationery, to be paid out of contingent fund,	\$66 75
The account of J. P. Muldoon, to be paid out of contingent fund,	4 00
Sacramento post-office, recommend payment from post-office fund,	45 90
Wells, Fargo & Co., from post-office fund,	50 00
Alta Express Company, from post-office fund,	50 00

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Melony, by leave, introduced a bill for an act to authorize the congregation of St. Patrick's church (Catholic church in the city of Stockton) to remove the remains of deceased persons.

Read first and second times, and referred to the delegation from San Joaquin.

Mr. Gregory, by leave, introduced a bill for an act to audit the claim of M. Scott, Jr., as an employee, or subordinate officer, of the state prison, and witness before a committee of the Legislature.

Read first and second times, and referred to the Committee on Claims.

On motion of Mr. Phelps, Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was taken from the table.

Amendments made by the Assembly concurred in.

GENERAL FILE.

Senate bill No. 207, an act to audit certain claims, reported from Committee on Claims, was read first and second times, and laid over under the rule.

The report of the joint committee on translating the Laws into Spanish, and recommending the appointment of John P. Brodie, was taken up, and adopted.

Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk, (as clerk of the various courts,) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties, was, on motion of Mr. Phelps, laid on the table.

Assembly bill No. 68, an act to provide for the payment of the debt of Humboldt county, that existed upon the thirty-first day of December, 1857, was indefinitely postponed.

Assembly bill No. 266, an act to repeal, in part, an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857, was considered as in Committee of the Whole, and reported back, without amendment.

IN SENATE.

Bill read a third time, and passed.

The report of the Committee on Contingent Expenses, recommending the payment of the claim of the State Journal for thirty-two dollars, for the two weeks ending March 13, was adopted.

Senate bill No. 139, an act creating a state land office for the state of California, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments made in Committee of the Whole were adopted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday last, passed Assembly bill No. 204, an act to provide for the erection of a jail in the county of Tulare;

Also, Senate bill No. 108, an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856;

Also, Assembly bill No. 191, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco;

Also, on the twelfth instant, Assembly bill No. 9, an act to repeal, in part, an act entitled "an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853," approved April 28, 1857.

J. W. SCOBEEY, Clerk.

MARCH 15, 1858.

Assembly bill No. 204 was read first and second times, and referred to the delegation from Tulare.

Assembly bill No. 191 was read first and second times, and referred to the delegation from San Francisco.

Assembly bill No. 9 was read first and second times, and referred to the Committee on Corporations.

INTRODUCTION OF BILLS.

Mr. Burton, by leave, introduced a bill for an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857.

Read first and second times, and referred to the Committee on Finance.

REPORTS.

Mr. Carpenter, by leave, made the following report :

MR. PRESIDENT:—The undersigned, a majority of the El Dorado delegation, to whom was referred Assembly bill No. 165, concerning county seat and public buildings in said county, have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.

G. J. CARPENTER,
S. F. HAMM,
S. M. JOHNSON.

Mr. Dickinson, by leave, made the following minority report :

MR. PRESIDENT:—The undersigned, one of the El Dorado delegation, to whom was referred Assembly bill No. 165, an act to establish the county seat of El Dorado county, etc., has considered the same, and begs leave to report the bill back, without amendment, and recommend its passage.

W. B. DICKINSON.

On motion of Mr. Carpenter, the Assembly bill No. 165, and substitute, were made the special order of the day for Friday, March 19, at twelve o'clock, M.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Assembly concurrent resolutions relative to the admission of Kansas, were taken up, Mr. Carpenter in the chair.

Pending discussion, the following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 301, an act amendatory of and supplementary to an act to regulate proceedings in criminal cases, passed May 1, 1851.

J. W. SCOBEY, Clerk.

Assembly bill No. 301 was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Burton, the resolutions relative to the admission of Kansas were made the special order of the day for to-morrow, at half-past twelve o'clock, P. M.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 13, 1858. }

To the Senate of California :

I have this day approved an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets in the city and county of San Francisco.

JOHN B. WELLER.

Also, the following message, which was referred to the Committee on Finance :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 15, 1858. }

To the Senate of California :

In answer to the resolution of your honorable body, I have to report estimates for the Executive Office for the tenth fiscal year :

Salary of Governor,	-	-	-	-	-	-	-	-	-	\$6,000
Rent and expenses of office,	-	-	-	-	-	-	-	-	-	1,500
Special contingent fund,	-	-	-	-	-	-	-	-	-	6,000
Total,	-	-	-	-	-	-	-	-	-	\$13,500

The slight increase in the estimate for special contingent fund is made, because, notwithstanding the salary of the Governor has been reduced from \$10,000 to \$6,000, (a far greater reduction than that made in the salary of any other officer,) the duties have been increased, and the employment of a clerk, a large portion of the time, is absolutely necessary. It is as much as one person can do to keep the books and attend to the business of the board of examiners.

The sums appropriated to the Executive department for the year commencing first of February, 1855, and ending thirty-first January, 1856, was \$16,500.

The amount appropriated for the year ending thirty-first January, 1857, was \$17,500; for the fiscal year ending thirtieth June, next, about the same.

The amount now estimated for the same purpose during the next year is \$13,500, being some \$4,000 less than was appropriated last year to this department.

There will be a small deficiency, which ought to be provided for.

For the fiscal year ending June thirtieth, next, in contingent ex-										
penses there will be a deficit of,	-	-	-	-	-	-	-	-	-	\$148 30
For rent of office,	-	-	-	-	-	-	-	-	-	50 90
Total,	-	-	-	-	-	-	-	-	-	\$199 20

In addition to this, I recommend an appropriation to be expended under the direction of the board of examiners of \$2,000, for the prosecution of delinquents and to recover escheated estates.

JOHN B. WELLER.

FURTHER SPECIAL ORDER.

Assembly joint resolution No. 14, relative to a modification of the pre-

emption law of California, was, on motion of Mr. Allen, laid on the table.

Mr. Johnson of Sacramento, made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 83, an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, have had the same under consideration, report the bill back to the Senate, with amendments, recommending its passage, as amended.

W. I. FERGUSON,
JOSIAH JOHNSON.

On motion of Mr. Johnson of Sacramento, the bill was made the special order of the day for Thursday, March 17th, at twelve o'clock.

GENERAL FILE RESUMED.

Assembly bill No. 172, an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer, was taken up.

Mr. Rogers moved to adjourn, which was lost.

And the bill was then read a third time, and passed.

Senate bill No. 158, an act to amend an act entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30th, 1853, amended April 7th, 1857.

On motion of Mr. Anderson, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Burton, by leave, offered the following resolution, which was adopted :

Resolved, That the Committee on Mileage be requested to report to the Senate, as soon as practicable, the amendments proposed to the general law concerning mileage.

Senate bill No. 142, an act to amend an act entitled an act to provide revenue for the support of the government of this state, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Title of the bill amended, by adding the words, "passed May 15, 1854," and bill ordered engrossed, and to be read a third time.

Senate bill No. 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the time for holding the terms of the district court of the second judicial district—

On motion of Mr. Pacheco, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, was read a third time.

Mr. Taliaferro moved to recommit the bill to the Committee on Roads and Highways, with the following instructions:

"Provided, That this act shall not affect or prejudice, in any manner," any application already made, in accordance with existing laws, for a license to keep a public ferry or toll-bridge, but the board of supervisors may proceed to establish the same, pursuant to such application, as if this act had not been passed."

Carried.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

TUESDAY, March 16, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent, Mr. Griffith.

Journals of yesterday read and approved.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 192, an act to audit the claim of the Pacific Express Company;

Also, Senate bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Senate bill No. 209, an act to audit the claim of M. Scott, Jr., have directed me to report the same back, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Jas. L. English, have directed me to report the accompanying bill for \$1,200, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of John Center, for rent of state prison grounds, houses, and machinery, thirty months, at five hundred dollars per month, have had the same under consideration, and have directed me to report the same back, and recommend that it be rejected.

E. F. BURTON, Chairman.

Report accepted, and, with petition, referred to the Judiciary Committee.

MR. PRESIDENT:—Your Committee on Claims, to whom was re-referred the claim of Baker & Swinerton, have directed me to report the same back, without recommendation.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton reported back, verbally, the account of Spanish newspaper, recommending that the delegation have leave to withdraw the same;

Also, that the Senate Committee on Claims had dispensed with the services of a clerk on the 13th inst.

Mr. Grant made the following report:

MR. PRESIDENT:—The delegation from the counties of San Francisco and San Mateo, to whom was referred Assembly bill No. 191, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco, have had the same under consideration, and report the same back, without amendment, and unanimously recommend its passage.

GILBERT A. GRANT, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Melony made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 210, entitled an act to authorize the congregation of St. Patrick's Catholic Church, in the city of Stockton, to remove the remains of deceased persons, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage, without amendment.

A. R. MELONY.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo, was read a third time, and passed.

Senate bill No. 192, an act to audit the claim of Pacific Express Company, was read a third time and passed.

Senate bill No. 155, an act authorizing and empowering the county re.

corder of Butte county to make certified copies of certain records and indexes of records of said county, and fixing the amount of his compensation therefor, was read a third time, and passed.

Senate bill No. 156, an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county, was read a third time, and passed.

Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857, was considered as in Committee of the Whole.

Pending which, the following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the 13th instant, passed Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857;

Also, on yesterday, passed Assembly bill No. 131, an act to abolish public executions;

Also, Assembly bill No. 156, an act to provide for the preservation of school sections Nos. 16 and 36, from waste, and other injuries;

Also, Assembly bill No. 184, an act to define the head of navigation of the Mokelumne River;

Also, Assembly bill No. 209, an act to legalize certain statements in the form of affidavits, made before the county recorders of this state;

Also, Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta;

Also, Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858;

Also, Senate bill No. 134, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;

Also, concurred in Senate amendments to Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

And to Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851;

And to an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house.

J. W. SCOBEEY, Clerk.

MARCH 16, 1858.

Assembly bill No. 100 was read first and second times, and referred to the delegation from Napa.

Assembly bill No. 131 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 156 was read first and second times, and referred to the Committee on Education.

Assembly bill No. 184 was read first and second times, and referred to the Committee on Commerce and Navigation.

There being no objection, the vote by which the bill was referred to

the Committee on Commerce and Navigation, was reconsidered, and bill referred to the Sacramento and San Joaquin delegations.

Assembly bill No. 209 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 211 was read first and second times, and referred to the senator from Shasta.

Assembly bill No. 216 was read first and second times, and referred to the senator from Shasta.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, adopted the amendment of the Senate to Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriating money for its support, approved May 14, 1854, with an amendment, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

MARCH 15, 1858.

Assembly bill No. 52 was taken up, and Assembly amendment concurred in.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the thirteenth instant, passed Assembly bill No. 113, an act to change the name of Henri Alfred Kreicer to Henri Miller ;

Also, Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda ;

Also, Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851 ;

Also, Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business ;

Also, Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county that may be outstanding on the first of July, A. D. 1858, and not heretofore funded ;

Also, Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage ;

Also, Assembly bill No. 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, 1857 ;

Also, Assembly bill No. 257, an act to authorize George W. Chedie to sell certain property of Georgia M. C. F. Chedie.

J. W. SCOBEEY, Clerk.

MARCH 16, 1858.

Assembly bill No. 213 was read first and second times, and, on motion of Mr. Gregory, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 129 was read first and second times, and referred to the delegations from San Joaquin and Alameda.

Assembly bill No. 146 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 166 was read first and second times, and, on motion of Mr. Ferguson of Sierra, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 224 was read first and second times, and referred to the delegation from San Joaquin.

Assembly bill No. 225 was read first and second times, and referred to the delegation from Marin.

Assembly bill No. 240 was read first and second times, and referred to the delegation from Santa Cruz.

Assembly bill No. 257 was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Grant, Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk, (as clerk of the various courts,) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties, was taken from the table, and placed at the foot of the calendar.

On motion of Mr. Gregory, Senate bill No. 118, an act to create the office of State Librarian, and to provide for the increase and preservation of the state library, was taken from the table, and placed at the foot of the calendar.

On motion of Mr. Thom, Senate bill No. 196, an act to authorize the Secretary of State to procure a new seal of state, and to appropriate money for the payment thereof, was taken from the table, and placed at the foot of the calendar.

GENERAL FILE RESUMED.

Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857, was considered as in Committee of the Whole.

Pending consideration, Mr. Melony moved to lay the bill on the table.
Carried.

IN SENATE.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following reports:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 122, entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles, and find the same correctly enrolled.

E. GARTER, Chairman.

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, and find the same correctly enrolled.

E. GARTER, Chairman.

Reports accepted.

On motion of Mr. Johnson of El Dorado, Assembly bill No. 280, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856, was taken from the calendar, and referred to the Committee on Military Affairs.

Mr. Ferguson of Sacramento offered the following resolution:

Resolved, That the sum of forty-five dollars each, be allowed to Gilbert

A. Grant, Richard Mesick, W. I. Ferguson, and Moses Flanagan, for mileage to San Francisco, as members and clerk of Committee on Commerce and Navigation; that the sum of fifty-five dollars be allowed to George E. Watriss for room rent for committee; and that the sum of thirty-one dollars and fifty cents be allowed to Bankoff & Co. for stationery furnished the same, and that the president of the Senate be authorized to audit the above claims.

Report accepted, and, on motion of Mr. Carpenter, referred to Committee on Contingent Expenses, with instructions to report to-morrow.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento county for a capitol, made the special order of the day for to-day, was made the special order of the day for Thursday, March 18, at twelve o'clock, M.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order of the day, Assembly concurrent resolutions relative to the admission of Kansas, were taken up.

Mr. Burch in the chair.

After debate, on motion of Mr. Ferguson of Sacramento, the resolutions were made the special order of the day for Wednesday, March 17, at twelve o'clock, M.

On motion of Mr. Sullivan, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec. Senate.

IN SENATE.

THURSDAY, March 17, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

PETITIONS.

Mr. Gregory presented the petition of heirs of Joaquin Soto, praying for the enactment of a law authorizing the executors or administrators of the estate of said deceased to sell at private sale the real estate of said deceased, which was referred to the Judiciary Committee.

REPORTS.

Mr. Rogers, of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, and find the same correctly enrolled.

GEO. H. ROGERS, of the Committee.

Report accepted.

Mr. Ketchum, chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28th, 1855, report the same back, with the accompanying proviso, in compliance with instructions.

L. N. KETCHUM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 152, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29th, 1851 ;

Also, Senate bill No. 191, an act to audit the claim of the Pacific Express Company ;

Also, Senate bill No. 195, an act to appropriate money for the relief of certain persons ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 193, an act to audit the claim of the Pacific Express Company ;

Also, Senate bill No. 142, an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854 ;

Also, Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Merritt, of the select committee on Senate bill No. 6, made the following report :

MR. PRESIDENT :—The undersigned, select committee, to whom was referred Senate bill No. 6, an act supplemental to an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853, with instructions to report a substitute for the same, beg leave to report the accompanying bill, as a substitute for Senate bill No. 6, and recommend its adoption.

Your committee have attempted to frame the substitute, herewith reported, so as to meet, as far as possible, all of the objections urged to the original bill, and are also unanimous in the opinion that the substitute herewith reported is perfectly constitutional in all its points.

Respectfully submitted.

MERRITT,
GARTER,
MESICK, } Committee.

Report accepted, and with all amendments, passed on file.
 Mr. Tallaferra, of a special committee, made the following report:

Mr. President—Your special committee, to which was referred Assembly Bill No. 216, as amended, proposing the passage to Charles Yount to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, beg leave to report it back, and recommend its passage.

A. W. TALLAFERRO

Mr. Melony, of a select committee, made the following report:

Mr. President—Your committee, to which was referred Assembly Bill No. 216, as amended, as to providing for feeding the sick of the San Joaquin county poor who may be wandering on the first day of July, a. d. 1881, and not hereafter, drafted, have had the same under consideration, and respectfully report the same to the Senate, without amendment, and recommend its passage.

A. R. MELONY

Report accepted, and with all, passed on file.
 The following messages were received from the Assembly:

Mr. President—The Assembly, this day, appointed Messrs. Davis, Conner, and Montgomery, a committee of three, charged with the duty of examining the two House or Assembly propositions to Senate Bill No. 36, as set to provide for the establishment of the United States, in certain cases, of ships to handle for other for light-house, and for other purposes, as the need and wisdom of the State.

J. W. SCORRY, Clerk.

March 14, 1881.

INTRODUCTION OF BILLS.

Mr. Brown, by leave, introduced a bill for an act for the incorporation of water companies.

Read first and second times, and referred to the Committee on Corporations.

Mr. Hunt, by leave, introduced a bill for an act to amend an act entitled an act to regulate the office of the, approved April 16, 1878.

Read first and second times, and referred to the Judiciary Committee.

Mr. Anderson, by leave, introduced a bill for an act to amend an act entitled an act concerning the justice of justice of the State, and passed without amendment May 14, 1881, without March 12, 1881, and April 14, 1881, and to provide an appeal for such cases as are now improperly in the courts of justice of the State as appeal.

Read first and second times, and referred to the Judiciary Committee.

Mr. Anderson, by leave, introduced a bill for an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1877, approved April 22, 1878, and on other times.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 145, an act to appropriate money for the relief of certain persons, was read a third time, and passed.

Senate bill No. 191, an act to audit the claim of the Pacific Express Company, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Merritt, Carpenter, and Rogers, and taken, with the following result: Ayes, 25—noes, 9:

AYES—Messrs. Allen, Baker, Burch, Burton, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Mesick, Soule, Sullivan, Taliaferro, and Thom—25.

NOES—Messrs. Anderson, Berry, Carpenter, Gregory, Hamm, Merritt, Pacheco, Phelps, and Rogers—9.

So the bill was passed.

Senate bill No. 152, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was read a third time, and passed.

Senate bill No. 193, an act to audit the claim of the Pacific Express Company, was read a third time, and passed.

Senate bill No. 142, an act to amend an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854, was read a third time, and passed.

Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts, was read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 17, 1858.

To the Senate of California:

I have this day approved an act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison buildings about to be erected at the state prison at San Quentin;

Also, an act to audit and allow the claim of Samuel J. Frisbee;

Also, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, as chairman of the board of examiners, to sign certain papers and issue certain bonds.

JOHN B. WELLER.

The following message, (enclosing two communications,) was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 17, 1858.

To the Senate of California:

I send herewith a communication received on yesterday from the Attorney General, concerning a letter from Mr. Hereford, in regard to his claim for services rendered in prosecuting the various suits against Henry Bates, late State Treasurer.

Mr. Hereford has devoted much of his time to these cases, and is justly entitled to a fair compensation. The amount will of course depend upon the particular character of the services performed, and of this I have but

little personal knowledge. I commend, however, his claim to your favorable consideration.

JOHN B. WELLER.

ATTORNEY GENERAL'S OFFICE,

Sacramento, March 16, 1858. }

SIR:—I herewith transmit a communication, sent to this office by Mr. Hereford. All I can say in regard to the matter, (speaking from personal knowledge,) is, that the judgments spoken of by him have been obtained, and the proceedings appear to have been conducted by him. The case of *Bates v. The Pacific Express Company*, stands upon demurrer; and Mr. Hereford, since the beginning of my term, has twice, (with my assistance,) conducted the trial of criminal causes pending against Henry Bates, arising out of his transactions as State Treasurer. He has also, whenever requested, given me assistance in any attempts to ascertain property, liable to execution, upon the judgments before mentioned.

The law provides that the district attorney shall have ten per cent. upon all sums collected by him by action; and, under my construction of that law, Mr. Hereford now has a lien upon those judgments to that extent. This question, however, is a mooted one, and is now before the Supreme Court for decision.

With these remarks, I send you Mr. Hereford's letter, with which you can make such disposition as you may deem proper.

Respectfully, etc.,

THOS. H. WILLIAMS, Attorney General.

To His Excellency, JOHN B. WELLER, Governor of California.

SACRAMENTO CITY, }
March 12, 1858. }

To Thos. H. Williams, Attorney General:

SIR:—As you are well aware, I have spent the most of my time, during the last year, in the prosecution of the following suits, viz.:

Henry Bates v. Palmer, Cook & Co., upon which judgment has been had for about eighty thousand dollars.

The People v. Henry Bates, Sam'l Norris, et al., for one hundred thousand dollars, upon which judgment has been had for said amount.

Henry Bates v. Pacific Express Company, et al., for one hundred and twenty-four thousand dollars.

I have also prosecuted Henry Bates upon the several indictments, since I went out of office, three times, once in this county, and twice in Placer. At the request of the court and grand jury, drawing the papers of these various suits, I have necessarily spent several hundred dollars for the benefit of the state.

Believing that the state would not require the services of any gentleman without a fair remuneration, I have adopted this course to bring the subject to the attention of the Senate and Assembly, now in session. I propose, if the Legislature will make me a fair allowance for my services, both whilst I was in office, and since the expiration thereof, to relinquish to the state any claim I may have in the shape of per centage or otherwise. The per centage that the law allows me upon moneys collected, amounts to about eighteen thousand dollars upon judgments already had. I will also cheerfully render you any assistance that you may desire in the prosecution of the suit of *Henry Bates v. Pacific Express Company et al.*, on the judgments already obtained.

Inasmuch as you are the law officer of the state, I have thought proper

to address you this communication, and ask that you make such disposition thereof as justice and propriety may dictate.

I remain, yours, very respectfully,
(Signed,) FRANK HEREFORD.

Message and accompanying communications referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, with amendments, and ask the concurrence of the Senate;

Also, Assembly bill No. 164, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counselor at law;

And Assembly bill No. 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856;

And Assembly bill No. 273, an act fixing the time of holding courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning jurors for the county courts of said counties.

J. W. SCOBEEY, Clerk.

MARCH 17, 1858.

Senate bill No. 47—Senate concurred in amendments of Assembly.

Assembly bill No. 164 was read first and second times, and, on motion of Mr. Goodwin, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 231 was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 273 was read first and second times, and referred to the senator from Shasta.

On motion of Mr. Taliaferro, Senate bill No. 61, an act regulating the importation and preparation of drugs and medicines, was taken from the table, and placed at the foot of the calendar.

Mr. Burton moved to take from the table the report of the Committee on Claims, relative to sundry claims.

Lost.

REPORTS.

Mr. Anderson, by leave, made the following report :

MR. PRESIDENT:—The Committee on Corporations have had Senate bill No. 182, an act to authorize the construction of certain wharves, under consideration, and herewith report the same back, with amendments, and recommend the passage of the bill, when so amended.

JAMES ANDERSON, Chairman.
G. J. CARPENTER,
S. SOULE,
WM. T. LEWIS,
S. A. MERRITT.

Report accepted, and, with bill, placed on file.

Mr. Ketchum, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Senate bill No. 26, an act entitled an act concerning roads and highways, beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

L. N. KETCHUM, Chairman.

Report accepted, and, on motion of Mr. Phelps, the usual number of copies of the substitute were ordered printed.

SPECIAL ORDER.

Assembly concurrent resolution relative to the admission of Kansas, was taken up.

After discussion, Mr. Burch moved a call of the Senate, which was carried.

Roll called.

Absent—Messrs. Goodwin, Gregory, Johnson of El Dorado, Lewis, Sullivan, and Taliaferro.

Sergeant-at-arms dispatched for absentees.

The senators absent appearing at the bar of the Senate, were, on motion, admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

Mr. Carpenter moved to indefinitely postpone the resolutions.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Gregory, and Melony, and taken, with the following result: Ayes, 15—noes, 20:

AYES—Messrs. Allen, Burton, Bell, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Mesick, Phelps, Soule, and Sullivan—15.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—20.

So the Senate refused to indefinitely postpone.

The question being on the adoption of the resolutions, the ayes and noes were demanded by Messrs. Lewis, Rogers, and Gregory, and taken, with the following result: Ayes, 20—noes, 15:

AYES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—20.

NOES—Messrs. Allen, Burton, Bell, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Mesick, Phelps, Soule, and Sullivan—15.

So the resolution was adopted.

Mr. Berry gave notice that he would move for a reconsideration of the vote just taken

FURTHER SPECIAL ORDER.

Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852—

Mr. Goodwin moved to make the bill the special order of the day for Wednesday, March 24, 1858, at 12 o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. Chase, Goodwin, and Thom, and taken, with the following result: Ayes, 15—noes, 19:

AYES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Johnson of Sacramento, Lewis, Mesick, Phelps, Soule, and Thom—15.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Coulter, Dickinson, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Merritt, Melony, Pacheco, Rogers, Sullivan, and Taliaferro—19.

So the motion was lost.

Mr. Goodwin moved to recommit the bill to the Judiciary Committee, with special instructions to amend so as not to affect any contracts made previous to the passage of this act; provided application for a discharge under the present law be made within sixty days from the passage of this act, and not otherwise.

Mr. Phelps offered the following as a substitute for Mr. Goodwin's amendment, which was lost.

"Recommit, with special instructions to bring in a bill that shall so amend the present law as to allow the debtor to be discharged from his debts only on the petition of or by the written consent of his creditors, or such number of them as shall represent a majority of all his indebtedness."

Pending which, the following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 15th instant, passed Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857;

Also, on yesterday, Senate bill No. 174, an act to audit the claim of John S. Love;

Also, Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo;

And ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

MARCH 17, 1858.

Assembly bill No. 189, was read first and second times, and referred to the Yuba delegation.

Senate bill No. 45, amendments made by the Assembly concurred in.

Consideration of Senate bill No. 15 resumed.

The question recurring on the motion of Mr. Goodwin to recommit, was put, and carried.

Mr. Gregory offered as additional instructions, that the committee be directed to report on to-morrow morning, which was carried.

And the bill was so referred.

Mr. Pacheco, chairman of the Committee on Contingent Expenses, by leave, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Senate resolution relating to mileage of members of Committee on Commerce and Navigation, to San Francisco, and of certain claims therein mentioned, have had the same under consideration, report the resolution back, with a substitute, and recommend the adoption of the same.

R. PACHECO.

Report accepted, and placed on file.

Mr. Burton made the following minority report on Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento for a capitol, which, on motion of Mr. Burton, was made the special order of the day for Thursday, March 18, at twelve o'clock, with bill:

MR. PRESIDENT:—The minority of your committee to whom was referred Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento county for a state capitol, beg leave to submit the following report:

We dissent from the opinions of the majority of the committee for the following reasons:

First—The state has received as a donation a square of ground in Sacramento City, valued at some forty thousand dollars, which, if not used, will revert to the party donating the same.

Second—The state has, at an expense of three thousand dollars, procured the plans of a magnificent capitol, one worthy of our great and growing state; a capitol furnishing halls of grand proportions for legislative assemblies, courts, officers' departments—in short, such a building as will be a credit to this commonwealth, and sufficient to accommodate the wants of this state for three generations.

The undersigned feel assured that the propriety of establishing a branch prison at some point where the state prisoners may be necessarily employed in preparing granite or other material for building purposes, will force itself upon the present Legislature, and that they, (the Legislature,) will provide at least the initiatory steps for such branch prison; that the prisoners thus employed will be enabled to take from the quarry, prepare for laying in the wall, in the course of three years, a sufficient quantity of granite or other stone, for all the purposes of the said capitol, and that this material so prepared will not find sale in the markets, and otherwise be a loss to the state.

The state has already the opportunity of manufacturing bricks, and between the main and branch prison the mass of the material for the proposed capitol can be easily manufactured and placed upon the ground within the given time.

The undersigned feel assured that with the material so furnished by the state, the plans and specifications already purchased ready at hand, and the labor of convicts which the state will have in its power to furnish as assistance in the immediate erection of the said capitol, the same will not become an additional outlay of capital to the state of exceeding two hundred thousand dollars.

Third—The undersigned consider the building now occupied by the two Houses of the Legislature, unfit for the purposes of a capitol. As a building it was erected in great haste for an entirely different purpose, has grown prematurely old and dilapidated, and cannot be altered, repaired, nor additional wings constructed, and otherwise extended so as to suit for the temporary uses of a capitol without affording a most excellent pretext for the expenditure of as much more money on behalf of the

state, as the majority of the committee propose to pay for the property. That when the state shall have expended thus much simply for temporary purposes, it will not have property of one-fourth that amount in market value when the necessity of the time being has passed, and we shall be supplied with a proper capitol building and grounds.

We also think that the building thus vacated by the state will not be suited for any other purposes of the state, and so prove almost a total loss of the moneys expended on purchases and repairs.

The undersigned consider that by continuing to use the same, the cells may be of great advantage to the state, by being used to confine the prisoners that may be employed by the state in assisting in the erection of a proper capitol.

Deeming the foregoing reasons amply sufficient, we therefore recommend the indefinite postponement of the bill.

E. BURTON,
JAMES ANDERSON.

Mr. Rogers, of the Committee on Enrolled Bills, made the following reports:

MR. PRESIDENT:—I have, this day, presented to his Excellency the Governor, Senate bill No. 74, an act for the relief of the Mountain Lake Water Company;

Also, Senate bill No. 122, an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles.

GEO. H. ROGERS, of Committee.

Report accepted.

FURTHER SPECIAL ORDER.

Senate bill No. 83, an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, was taken up, and considered as in Committee of the Whole.

Mr. Burton in the chair.

After some time spent, on motion of Mr. Burch, the bill was made the special order of the day for Thursday, March 18th, at half-past twelve o'clock.

Mr. Ferguson of Sacramento, gave notice that he would, at an early day, introduce a bill authorizing Leroy Vining to establish a steam ferry upon the Colorado River.

On motion of Mr. Chase, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, March 18, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Sullivan presented the petition of citizens of San Francisco, praying for a change in the pilot law.

Referred to the Committee on Commerce and Navigation.

REPORTS.

Mr. Chase, according to instructions, reported back verbally Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852.

Report accepted, and bill placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 186, an act for the relief of Sacramento county, have had the same under consideration, and Messrs. Chase, Burch, and Grant, report in favor of the bill, and Messrs. Gregory, Merritt, and Goodwin, against it;

And Assembly bill No. 214, an act for the relief of purchases at sales of real estate by public officers, and passage recommended;

Also, Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, and passage recommended;

Also, Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate, and passage recommended;

Also, Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856, and passage recommended;

Also, Senate bill No. 159, an act to improve the navigation of Petaluma Creek, and passage recommended, as amended:

Section first, line seventeen, amend by inserting between the words "to" and "the," "a point known as Tunsting Warehouse in."

Section third, line seven, amend by striking out "two," and inserting "one."

Section third is further amended by adding the words, "and provided further that the one hundred feet of land, on each side of the said canal, shall remain open, and be a public highway."

Section fourth, amend by striking out "three hundred," in line seventy-seven, and insert "two hundred and fifty."

Section fourth, line twelve, amended by striking out "six," and inserting "seven."

Section fourth, line thirteen, is again amended, by striking out "three hundred," where it occurs, and inserting "two hundred and fifty."

Section fourth, line sixteen, strike out the word "five," where it occurs before "years."

Also, Senate bill No. 167, an act to amend the act of April 9, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum, and passage recommended, as amended:

Section first, line fifteen, amend by inserting between the words "to" and "to," "together with the certificate of the superintendent, or warden, to the same effect."

Also, Senate bill No. 216, an act to amend an act concerning courts of justice, and judicial officers, passed May 19, 1853, and recommend its passage.

S. H. CHASE, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the delegation from Shasta, made the following report :

MR. PRESIDENT :—The delegation from Shasta, to whom was referred Assembly bill No. 198, an act to separate the office of collector of taxes from the offices of sheriff and assessor in the county of Shasta, reports the same back to the Senate, and recommends that the bill be passed, with the following amendments, viz. :

First—The title of the bill to be amended, by striking out the words, "and assessor," after the word "sheriff;" also, strike out the word "officers," occurring immediately before the words "of sheriff," and instead thereof, the word "office."

Second—Amend section three by striking out the words, "all poll-taxes," in the fourth line, and inserting the words, "excepting poll-taxes," immediately after the word "collected" in the sixth line of said section. Also, strike out the words, "and assessor," after the word "sheriff," in the ninth line. Also, strike out the words, "and assessor," in the twelfth line. Also strike the same words out of the sixteenth line; and also strike out the words, "and assessor," in the last line of said section.

Third—Insert the word "him," after the word "aid," in the third line of section four.

Fourth—Change the word "officers," in the sixth line of section five, into the word "office," and strike out the words, "and assessor," occurring in the sixth and seventh lines of this section.

E. GARTER, Shasta Delegation.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 320, an act to settle and fix the time allowed by law to the tax collector of the city and county of San Francisco for the collection of taxes.

J. W. SCOBEEY, Clerk.

MARCH 18, 1858.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 17th instant, yesterday, passed Assembly bill No. 13, an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857 ;

And Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25th, 1857.

J. W. SCOBEEY, Clerk.

MARCH 18, 1858.

Assembly bill No. 320 was read first and second times, and, on motion of Mr. Soule, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 13 was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 229 was read first and second times and referred to Committee on Military Affairs.

Mr. Johnson of Sacramento introduced a bill for an act to audit the claim of Baker & Swinerton, which was read first and second times, and placed on calendar.

Mr. Chase, by leave, presented the claim of W. B. Ewer, for newspapers furnished senators in 1855, which was referred to the Committee on Claims.

On motion of Mr. Griffith, Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company, incorporated under the laws of this state, certain rights, privileges, and for other purposes, together with substitute, and majority and minority reports, were made the special order of the day for to-morrow, Friday, March 19th, at half-past eleven o'clock, A. M.

On motion of Mr. Johnson of El Dorado, Senate bill No. 206, an act repealing the laws now in force relating to the militia, and concerning the organization, enrollment, and discipline, of the militia of this state, was taken from the calendar, and made the special order of the day for Monday, March 22, at twelve o'clock, M.

Mr. Holden moved to take up Senate bill No. 139, an act creating a state land office for the state of California, which was carried, and considered, amended, and ordered engrossed, and to be read a third time.

SPECIAL ORDER OF THE DAY.

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes, by act of Congress, passed March 3, 1853, was taken up.

On motion of Mr. Carpenter, the bill was made the special order of the day for Saturday, March 20, at twelve o'clock, M.

GENERAL FILE.

Senate bill No. 173, an act to audit the claim of R. G. Crozier—on motion of Mr. Merritt, the rules were suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Gregory, Baker, and Ferguson of Sierra, and taken, with the following result: Ayes, 23—noes, 8:

AYES—Messrs. Anderson, Allen, Berry, Burton, Carpenter, Chase, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Johnson of El Dorado, Merritt, Mesick, Pacheco, Phelps, Soule, Sullivan, and Taliaferro—23.

NOES—Messrs. Baker, Burch, Coulter, Gregory, Hamm, Lewis, Rogers, and Thom—8.

So the bill was passed.

Further special order, Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento for a capitol, was taken up, and considered as in Committee of the Whole.

Pending discussion, the following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 18, 1858. }

To the Senate of California:

I have, this day, approved an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles;

Also, an act supplementary to an act entitled "an act to authorize Wm.

Moody and Morgan Hart to build a wharf in the county of Solano, approved May 3, 1852," approved April 25, 1857;

I have also approved an act for the relief of the Mountain Lake Water Company.

JOHN B. WELLER.

Senate bill No. 146 resumed, and reported back to the Senate, with amendments.

IN SENATE.

Amendments of committee adopted.

The question being, "Shall the bill be ordered engrossed, and read a third time?" Mr. Gregory moved to indefinitely postpone the further consideration of the bill, upon which, the ayes and noes were demanded by Messrs. Anderson, Burton, and Ferguson of Sacramento, and taken, with the following result: Ayes, 7—noes, 25:

AYES—Messrs. Anderson, Baker, Burton, Carpenter, Coulter, Gregory, and Melony—7.

NOES—Messrs. Allen, Berry, Burch, Bell, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Mesick, Pacheco, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—25.

So the motion was lost.

Mr. Lewis asked leave of absence for Mr. Ketchum, which was granted.

Mr. Ferguson of Sacramento asked leave of absence for Mr. Holden, which was granted.

Senate bill No. 146 was then ordered engrossed, and read a third time.

Further special order, Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, was taken up, and considered as in Committee of the Whole, Mr. Burton in the chair.

Pending which, Mr. Garter, chairman of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, on the sixteenth day of March, 1858, at half-past two o'clock, P. M., presented to the Governor, for his approval, Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, adopted Assembly concurrent resolution relative to land titles in California.

J. W. SCOBEEY, Clerk.

Assembly concurrent resolution taken up, and the Senate concurred.

The consideration of Senate bill No. 83 was resumed, as in Committee of the Whole.

Mr. Berry moved to make the bill the special order of the day for to-morrow, Friday, March 19, at twelve o'clock.

Lost.

The committee rose, and reported the bill back to the Senate, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Goodwin, the bill was made the special order of the day for to-morrow, Friday, March 19, at two o'clock, P. M.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

FRIDAY, March 19, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following reports:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of J. Tyson, for transporting prisoners from Siskiyou county to the state prison, in the year 1855, have directed me to report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Harriet Barry, have considered the same, and have directed me to report the same back to the Senate, with the recommendation that it be referred to the Judiciary Committee.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento county, for a capitol, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and with bill, placed on file.

Mr. Burch, chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom were referred Senate bill No. 125, an act to amend an act to provide for the sale of the swamp and overflowed lands belonging to this state, passed April 28, 1855;

And Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state; have had the same under consideration, and a majority of said committee report the bills back to the Senate, with a recommendation that they be indefinitely postponed.

The bill originating in the Senate, amends almost every section of the act of 1855, without, in the opinion of your committee, materially and beneficially altering the system of sales.

This amending acts throughout, having truly several laws tending to the same object, your committee deprecate.

The Assembly bill proposes to include in what are denominated as swamp lands, and to which the state is entitled, under the Arkansas act of Congress, the tide lands, which absolutely belong to the state in her own right. Whilst your committee would be willing to do all in the power of legislative action to encourage the actual settlement of not only the public domain, but also of the lands to which this state is or may become entitled, we have serious doubts whether the passage of any act upon this subject would have this tendency until the state shall have patented to her, by the general government, the lands intended to be granted to her. We, therefore, whilst recommending the postponement of all legislation on the subject of swamp lands until title shall be vested in the state, when we can intelligently proceed to make disposition of them, would favor any and all bills, resolutions, or other legislation, founded in wisdom, which have for their object the speedy segregation from the public domain, of all swamp and overflowed or tide lands, to which the state may be entitled. The bills which the Committee on Public Lands have favorably recommended, providing for the office of a state register of lands, provides also for co-operation by that officer, with the surveyors of the general government, in the segregation of those lands. Your committee indulge the hope that this bill, should it be permitted to become a law, will enable the state, at some early day, to legislate understandingly in the disposition of lands to which her right will be undisputed.

The act of 1855 is doubtless defective, but its improvement, your committee fear, would tend now to render profitable, speculations in these lands, rather than to encourage their actual settlement, since the actual settler is already, by legislation and judicial decisions, protected in the possession of the lands appropriated by him. Believing that the policy here recommended will eventuate to the interest, both of the state and settler, your committee respectfully ask the concurrence of the Senate.

BURCH, Chairman,
G. J. CARPENTER,
JAMES ANDERSON.

Mr. Griffith moved to refer the bill and bills to the delegations from Sutter, Yolo, Solano, Napa, Contra Costa, San Joaquin, Alameda, Sacramento, Sonoma, Marin, Stanislaus, Mariposa, and Merced.

Mr. Anderson moved to refer to the committee of the whole Senate.

Lost.

The question recurring on Mr. Griffith's motion, was put and carried, and the bill so referred.

Mr. Burch, chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Swamp Land Committee to whom was referred Senate bill No. 88, an act to amend an act entitled an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855, have considered the same, and propose to amend section second by striking out the word "him" in the fifth line of said section, and insert the words, "the State Treasurer," and that the same as amended be passed.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Anderson, chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations have had under consideration, Senate bill No. 212, an act for the incorporation of water companies, and have instructed me to report the same back, with amendments, and recommend the passage of the bill, when so amended.

JAMES ANDERSON, Chairman.

WM. T. LEWIS.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the Shasta delegation, made the following report :

MR. PRESIDENT :—The Shasta delegation, to whom were referred Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama, to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March first, 1858 ;

And Assembly bill No. 273, an act fixing the time of holding courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties, report the same back and recommend their passage.

E. GARTER.

Mr. Burch, of the committee on a constitutional convention, made the following report :

MR. PRESIDENT :—A majority of the special committee, to whom was referred Senate bill No. 197, an act recommending to the electors of the state to vote for or against a constitutional convention, have had the same under consideration, and Messrs. Burton, Anderson, and Goodwin, concur with me in the recommendation that the bill be passed.

BURCH, of the Committee.

Report accepted, and with bill, placed on file.

Mr. Holden gave notice that he would offer a minority report on Senate bill No. 197.

Mr. Merritt introduced a bill for an act relating to the thirteenth judicial district, and to define the time of holding the courts in said district.

Read first and second times, and, on motion of Mr. Merritt, the rules were suspended, bill considered engrossed, and read a third time.

SPECIAL ORDER.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company, incorporated under the laws of this state, certain rights and privileges, and for other purposes, was taken up, together with substitute and majority and minority reports.

Mr. Griffith moved to adopt the substitute.

Mr. Holden moved to adopt the majority report.

The question being on Mr. Griffith's motion, the ayes and noes were demanded by Messrs. Griffith, Merritt, and Holden, and taken, with the following result: Ayes, 26—noes, 8:

AYES—Messrs. Allen, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Johnson of El Dorado, Ketchum, Mesick, Pacheco, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—26.

NOES—Messrs. Anderson, Baker, Ferguson of Sacramento, Gregory, Holden, Johnson of Sacramento, Lewis, and Merritt—8.

So the substitute was adopted.

Mr. Holden moved that the usual number of copies of the substitute be printed, which was carried.

And, on motion of Mr. Griffith, the substitute was made the special order of the day for Tuesday, March 23, 1858, at twelve o'clock, M.

Mr. Johnson of Sacramento, by leave, made the following minority report on Senate bill No. 125:

MR. PRESIDENT:—The undersigned, of your Committee on Swamp and Overflowed Lands, are constrained to dissent from the report of the majority of the committee in relation to Senate bill No. 125, believing that it is desirable and that it is the best policy of the state to encourage the actual settlement of the swamp and overflowed lands of the state, so that they may be reclaimed, brought under cultivation and made to yield a profit, not only to the settler, but also to the state, by way of taxation; and being well persuaded that the law of 1855 needs amendment, and that the amendments proposed in Senate bill No. 125 will meet the wants of settlers on the lands embraced within its provisions, and encourage their further settlement, with decided advantage to the state, the undersigned would respectfully recommend the passage of the bill, with amendments, herewith reported:

Make section nine read as follows:

SECTION 9. Section twelve shall be amended so as to read as follows: "All surveys under the provisions of this act shall be made according to instructions from the Surveyor General, and shall be made to conform to the surveys of the public lands of the general government, except that the lands held by actual settlers shall be surveyed after what is known as the geodetic method, and such geodetic surveys shall be made to conform to the lines and boundaries established by such settlers."

JOSIAH JOHNSON,
SAM'L A. MERRITT.

Report accepted, and ordered on file.

FURTHER SPECIAL ORDER.

Assembly bill No. 165, an act to establish the county seat of El Dorado county, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring a removal of the public archives, records, and property, was taken up

The question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. Johnson of El Dorado, Dickinson, and Carpenter, and taken with the following result: Ayes, 12—noes, 18:

AYES—Messrs. Burton, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Griffith, Hamm, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, and Sullivan—12.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Bell, Coulter, Dickinson, Ferguson of Sierra, Garter, Grant, Gregory, Hart, Holden, Merritt, Melony, Mesick, and Rogers—18.

So the Senate refused to adopt the substitute.

Mr. Carpenter moved to recommit the bill to the El Dorado delegation, with instructions to report a bill submitting the question to the people of the county at the next general election.

Mr. Carpenter moved a call of the Senate, which was carried.

Absent—Messrs. Ferguson of Sierra, Phelps, and Soule.

On motion of Mr. Johnson of El Dorado, further proceedings under the call were dispensed with.

Question on Mr. Carpenter's motion to recommit—

The ayes and noes were demanded by Messrs. Johnson of El Dorado, Dickinson, and Carpenter, and taken, with the following result: Ayes, 19—noes, 13:

AYES—Messrs. Burton, Carpenter, Chase, Coulter, Ferguson of Sacramento, Goodwin, Grant, Gregory, Griffith, Hamm, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Pacheco, Rogers, Taliaferro, and Thom—19.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Dickinson, Ferguson of Sierra, Garter, Hart, Holden, Merritt, Melony, and Sullivan—13.

DECLINED—Mr. Bell declined voting.

So the bill was recommitted.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 19, 1858. }

MR. PRESIDENT:—The Assembly, on the 15th inst., passed Assembly bill No. 276, an act granting to Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba River;

Also, Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice, passed May 19, 1853;

Also, Assembly bill No. 253, an act granting the privilege to J. C. Owen and R. B. Cannon, of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith;

Also, on the sixteenth instant, passed Assembly bill No. 190, an act to authorize the board of supervisors of the city and county of San Fran-

cisco to allow, confirm, and direct, the auditing of certain claims therein mentioned ;

Also, Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures in the counties of Sonoma and Marin ;

Also, on the seventeenth instant, passed Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856.

J. W. SCOBEE, Clerk.

MARCH 19, 1858.

Assembly bill No. 276 was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 205 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 253 was read first and second times.

On motion of Mr. Griffith, the rules were suspended, and bill read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Baker, and Grant, and taken, with the following result : Ayes, 18—noes, 9 :

AYES—Messrs. Baker, Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Griffith, Hart, Holden, Johnson of Sacramento, Mesick, Rogers, Taliaferro, and Thom—18.

NOES—Messrs. Anderson, Burton, Grant, Gregory, Hamm, Ketchum, Merritt, Pacheco, and Sullivan—9.

EXCUSED—Mr. Allen was excused from voting.

So the bill was passed.

Assembly bill No. 190 was read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 210 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 147 was read first and second times, and referred to the Judiciary Committee.

The following messages were received from the Assembly :

MR. PRESIDENT:—The Assembly have, to-day, passed Senate bill No. 196, an act relating to the thirteenth judicial district, and to define the time of holding the courts in said district.

J. NORMAN BINGAY, Assistant Clerk.

FURTHER SPECIAL ORDER.

Further special order, Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, was taken up.

Mr. Johnson of Sacramento moved to amend, in last line of section twenty-four, by striking out the word "sixty," and inserting "seventy-five."

Adopted.

Mr. Anderson offered the following as a substitute to section five :

"On the fifth day of April next, there shall be elected a president of the board of supervisors, whose term of office shall continue until the first day of October, A. D. 1860, and until his successor in office is duly elected and qualified; also, eight supervisors, who, when duly elected and qualified, shall constitute the board of supervisors. Four members of said board, together with the president, or five members in the absence of the president, shall form a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members by such fine and penalty as the board, by ordinance, may determine. There shall, also, be elected, at the election aforesaid, a clerk of the board of supervisors, who shall hold office until the first day of October, 1860, until his successor shall be duly elected and qualified."

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Ferguson of Sacramento, and Pacheco, and taken, with the following result: Ayes, 11—noes, 19:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dickinson, Garter, Gregory, Hamm, Rogers, and Taliaferro—11.

NOES—Messrs. Bell, Carpenter, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Pacheco, Phelps, and Thom—19.

DECLINED—Mr. Merritt declined voting.

So the amendment was lost.

Mr. Burch offered the following, as a substitute to section five:

"On the fifth day of April, A. D. one thousand eight hundred and fifty-eight, the electors of the city and county of Sacramento shall elect five supervisors, and one person to act as president of the board of supervisors. The supervisors hereby provided to be elected, together with the supervisors elected in 1857, shall constitute the board of supervisors of the city and county. At the general election, in 1858, there shall be elected four supervisors from the districts to be made and appointed pursuant to section nine of this act, numbered one, three, five, and seven, which supervisors last aforesaid shall take the place of those elected in 1857, and one of those elected in April, 1858, who shall be designated by lot. Four supervisors, together with the president, or in case of his absence, five supervisors, shall constitute a quorum to transact business."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Anderson, Burch, and Hamm, and taken, with the following result: Ayes, 10—noes, 19:

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Garter, Gregory, Hamm, Rogers, and Taliaferro—10.

NOES—Messrs. Bell, Carpenter, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Pacheco, Phelps, and Thom—19.

So the amendment was lost.

The bill was then ordered engrossed, and read a third time.

On motion of Mr. Bell, the Senate adjourned.
Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, March 20, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Anderson, of the Committee on Corporations, reported back, verbally, Assembly bill No. 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856, and recommend its passage.

Report accepted, and with bill, placed on file.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom were referred the claims of Wm. B. Rochester, H. W. Bradley, J. Benson, S. & I. Wormser, G. L. Waters, Edward Lander, James Chambers, James Hamilton, J. Dobson, G. L. Dudley, and James Smiley, for Comptroller's warrants issued December 4, 1855, Nos. 588 to 612, inclusive, for labor and material on state prison wall, have directed me to report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The delegation from the counties of San Francisco and San Mateo, to whom was referred Senate bill No. 6, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds, report the same back, with the accompanying substitute therefor, and recommend that the substitute pass.

GILBERT A. GRANT,
SAMUEL SOULE,
T. G. PHELPS,
E. L. SULLIVAN.

FEBRUARY 5, 1858.

Mr. Merritt moved to recommit the bill to a special committee of five.

Carried.

Mr. Grant moved to instruct said committee to report on or before Thursday.

Carried.

The chair announced, as the committee, Messrs. Merritt, Burch, Grant, Garter, and Chase.

Mr. Melony, of the Contra Costa delegation, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bill No. 129, entitled an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage, with the following amendment:

MELONY,
BELL.

Amend by striking out "Alameda," wherever it occurs in the bill.
BELL.

Report accepted, and placed on calendar.

Mr. Holden made the following report:

MR. PRESIDENT:—The undersigned, a minority of the special committee to whom was referred Senate bill No. 197, submitting the question of calling a constitutional convention to the people, submit the bill herewith, as a substitute for Senate bill No. 197.

HOLDEN.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Burton, by leave, introduced a bill for an act to repeal an act entitled "an act to incorporate the city of Nevada," approved April 19, 1856, amended February 11, 1857.

Read first and second times, and, on motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Lewis, by leave, introduced a bill for an act for the relief of D. L. Mulford.

Read first and second times, and referred to the Committee on Claims.

Mr. Griffith, by leave, introduced a bill for an act concerning commissioners of deeds appointed by the Governors of the other states and territories of the United States.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hart, by leave, introduced a bill for an act to amend an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding said special term, approved March 6, 1858.

Read first and second times, and, on motion of Mr. Hart, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined

Senate bill No. 139, creating a land office for the state of California, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Melony introduced a bill for an act concerning the office of county assessor, and, defining his duties and powers as collector of poll-tax, which was read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, introduced a bill for an act for the relief of partners and joint debtors, which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch, by leave, introduced a bill for an act to establish the boundary line between Humboldt and Klamath counties, which was read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Holden gave notice that he would, at an early day, introduce a bill for an act to exempt pensioners of the revolutionary war and of the war of 1812, from taxation.

Mr. Berry offered the following concurrent resolutions, which were adopted :

Resolved, By the Senate, the Assembly concurring, that our senators in Congress be instructed, and our representatives be requested, to use their influence to procure an appropriation, by Congress, to build a breakwater at Crescent City, in this state.

Resolved, That the Governor is hereby requested to furnish a copy of these resolutions to each of our senators and representatives in Congress.

On motion of Mr. Thom, leave of absence was granted Mr. Pacheco for one day.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 19, 1858.

To the Senate of California :

I herewith return to your honorable body, an act entitled an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11th, 1854, without my approval.

Although this bill may be regarded as a local one, yet it is nevertheless a measure calculated to affect, to a considerable extent the general interests of the state, and for this reason I have been compelled to examine its details.

If this question affected San Francisco alone, I should be governed very much by the wishes of her chosen representatives in the Legislature. Her interests, however, as the commercial emporium of the state are so closely interwoven with those of other sections that they cannot well be separated. The prosperity of California depends, in a great degree, upon the restrictions imposed upon vessels entering our ports and harbors. The fairer and more liberal they are, the better. The first section of this bill reduces the number of pilots who may be licensed, from thirty to twenty, and in the present condition of trade, these will be found sufficient.

The second section changes the tenure by which the pilots hold their

positions, and instead of being licensed for twelve months, as the old law provides, they are appointed during good behavior. I doubt the propriety of this change.

The third section simply changes in a slight particular the manner of giving bonds, and to this there can be no objection.

The fourth section declares, in substance, that if any person shall pilot or offer to pilot a vessel in or out of the harbor, by way of the Heads, without a license, he shall be fined a sum not exceeding \$500, or be imprisoned not exceeding sixty days. It also declares that all persons employing an unlicensed pilot shall be fined \$500. A master, however, who pilots his own vessel, in case of distress, is exempted from this punishment. It would seem to me to be enough to compel the master, (as this bill does,) to pay full pilotage, when no services whatever were rendered, without subjecting him to a fine. The old law exempted the master from the penalty when he acted as his own pilot, or when he employed one in distress. Under that law, a vessel in a storm or fog outside of the Heads, could employ any unlicensed pilot to bring him into port. Under this he would be subjected to a fine of \$500, although no licensed pilot or boat could be seen; and the pilot himself fined \$500, or imprisoned sixty days. I hardly think this was the intention of the Legislature.

The fifth section authorizes full pilotage, whether the pilot is employed or not. Under this act, if a vessel of eighteen feet draught comes into that beautiful harbor of a bright, clear morning, with a master as familiar with its waters as the oldest of pilots, he is charged one hundred and eighty-six dollars for the privilege of navigating his ship. Where the entrance to a bay is so broadly marked by nature, and so well known to all seafaring men, and when the passage to San Francisco is so easily made in ordinary weather, it seems to me unjust to impose full pilotage, when no services are performed or needed. It is asserted, however, that this is allowed in New York. The dangers and hardships which San Francisco pilots are compelled to endure, cannot be compared with those which the pilots of the northern Atlantic states have to encounter during the winter months. Whilst we have a genial climate, they are constantly exposed to cold, boisterous weather and rough seas. Indeed, theirs is a life of peril and hardship, on that coast, a larger portion of the year, whilst the entrance to their harbors is generally far more difficult than ours. I am not underrating the importance of pilots here; they are hardy, industrious, and enterprising men, and ought to be liberally rewarded for their toil and exposure; but I am speaking against unnecessary and unreasonable restrictions upon trade.

The sixth section reduces the per centage to the commissioners from five to three per cent., and is paid by the pilots.

The seventh section fixes the rate of pilotage, and, taken in connection with the eighth, modifies the old law so as to bring all whaling-vessels which were exempted from pilotage, (except when the services were actually performed, and then at one dollar per foot,) under the operation of this act. There is a portion of this section somewhat difficult to understand. It declares that: "Vessels engaged in the whaling trade, one dollar per foot, inward and outward; outward bound vessels, under twelve feet draught, two dollars per foot; from twelve feet draught and upwards, eight dollars per foot." I cannot reconcile this with the sentence immediately preceding it. "They are to be charged one dollar per foot inward and outward, and then, if outward bound, under twelve feet draught, two dollars; over twelve feet, eight dollars." This certainly refers to whaling-vessels, as the first clause of this section specifically fixes the

pilotage inward and outward on all other vessels, except men-of-war. Besides, the pilotage on these vessels, it will be seen, is fixed at only two rates—"vessels under twelve feet, two dollars; and twelve feet and all over, eight dollars per foot." Any other construction would only increase the difficulty, by rendering the first clause in the section entirely nugatory. There is a very large amount of capital employed in whaling upon the Pacific, and it is to our interest to foster it in every proper manner. Many supplies which these vessels have been accustomed to obtain at the Sandwich Islands, and elsewhere, would, under proper encouragement, be purchased in our ports. Every facility should be afforded to bring this trade to our cities. I deem it, therefore, unwise and impolitic to impose these charges upon whaling-vessels visiting our waters. As this subject was not discussed, as I understand, in either branch of the Legislature, and as it is an important one, I deem it proper to return the bill for your reconsideration.

JOHN B. WELLER.

On motion of Mr. Griffith, the message and bill were made the special order of the day for Wednesday, March 24th, at 12 o'clock, M.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the 18th instant, indefinitely postponed Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852;

Also, passed Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records, and indexes of records of said county, and fixing the amount of his compensation therefor;

Also, Senate bill No. 156, an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county;

Also, Senate bill No. 195, an act to appropriate money for the relief of certain persons;

Also, Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854;

Also, on yesterday, Assembly bill No. 97, an act to change the manner of paying certain officers of elections in the county of Stanislaus;

Also, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state;

Also, Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson, to construct a wharf at Suscol ferry, in Napa county, on the east bank of Napa river;

Also, Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction;

Also, Assembly bill No. 250, an act to change the time of holding the courts of sessions, county courts, and probate courts, of the counties of Santa Barbara and San Luis Obispo;

Also, Assembly bill No. 298, an act to regulate fees in office in the county of Shasta.

J. W. SCOBEEY, Clerk.

MARCH 20, 1858.

Assembly bill No. 108 was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 97 was read first and second times, and referred to the Senate from State Lands.

Assembly bill No. 140 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 248 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 230 was read first and second times, and referred to the delegation from the first and second districts.

Assembly bill No. 238 was read first and second times, and referred to the delegation from Shasta.

Assembly bill No. 226 was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Ferguson, by leave, introduced a bill for an act granting Leroy Young and others, the right to establish and construct a steam-derry across the Colorado River.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Ferguson of Sacramento, Senate bill No. 146, an act to provide for the sale of the county court-house for a capital, was made the special order for Tuesday, March twenty-third, at twelve o'clock.

GENERAL FILE

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes by act of Congress, passed March 2, 1860, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of Committee of the Whole adopted.

Mr. Cameron moved to suspend the rules, and consider the bill now lost.

The bill was then ordered engrossed, and read a third time.

Senate bill No. 139, an act creating a state land office for the state of California, was read a third time, and passed.

Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state, was read a third time, and passed.

Senate bill No. 202, an act concerning the treasury of Sacramento county, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of committee adopted, and on motion of Mr. Johnson of Sacramento, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Barton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Samuel Warren, for wood furnished the State prison for two years 1865, have directed me to report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

Mr. Berry moved to take from the calendar Assembly bill No. 225, an act granting the privilege to Charles Talcott, to erect a wharf at Point San Quentin, in Marin county, and collect wharfage.

Carried.

On motion of Mr. Taliaferro, the bill was laid on the table.

The report of the Committee on Contingent Expenses, recommending the payment of the accounts of Kirk & Co., J. P. Muldoon, Post-Office, Wells, Fargo & Co., and Alta Express, was taken up, and adopted.

Senate bill No. 207, an act to audit certain claims, reported by Committee on Claims, was taken up, and, on motion of Mr. Burton, was laid temporarily on the table.

Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature, was ordered engrossed, and read a third time.

Senate bill No. 222, an act for the relief of Jas. L. English, reported by Committee on Claims, was read first and second times, and laid over under the rules.

The report of the Committee on Claims, on the claim of Messrs. Baker & Swinerton, was laid temporarily on the table.

Assembly bill No. 191, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco, was read a third time, and passed.

Senate bill No. 118, an act to create the office of State Librarian, and to provide for the increase and preservation of the state library, was taken up.

Mr. Holden moved to make the bill the special order of the day for Friday, March 26, at twelve o'clock, M.

Lost.

And, on motion of Mr. Rogers, the bill was made the special order of the day for Monday, March 22, at twelve o'clock, M.

On motion of Mr. Burton, Senate bill No. 207, an act to audit certain claims, was taken from the table, and considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and read a third time.

On motion of Mr. Taliaferro, Senate bill No. 157, an act to amend an act to establish an asylum for the insane of the state of California, passed May 17, 1857, was taken from the table, and made the special order of the day for Monday, March 22, at one o'clock.

On motion of Mr. Burch, the Senate adjourned.

Approved.

E. F. BURTON, President Senate *pro tem.*

Attest: THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

MONDAY, March 22, 1858.

Senate met pursuant to adjournment.

Called to order by the secretary.

Roll called.

Absent—Messrs. Lewis, Merritt, Mesick, Pacheco, and Phelps.

Both the president and the president *pro tempore* being absent, on motion of Mr. Anderson, Mr. Burton was called to the chair.

Journals of Saturday read and approved.

REPORTS.

Mr. Johnson, chairman of the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—Your Committee on Military Affairs, to whom was referred Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857, have had the same under consideration, and beg leave to report the same back, and recommend its passage, without amendment.

S. M. JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Anderson, of the Committee on Corporations, reported verbally Senate bill No. 154, an act entitled an act to incorporate the town of Petaluma, without recommendation.

Report accepted, and bill placed on file.

Mr. Coulter, of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 230, an act to admit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature, and find the same correctly engrossed.

JOHN COULTER, of the Committee.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Ferguson of Sacramento, by leave, introduced a bill for an act to amend an act, passed March 26, 1851, entitled an act to incorporate the city of Sacramento.

Read first and second times, and, on motion of Mr. Ferguson, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Anderson introduced a bill for an act amendatory and supplemental to an act entitled an act concerning jurors, approved May 3, 1852, amended January 28, 1854.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hart, by leave, introduced a bill for an act entitled an act to authorize the issuance of duplicates for certain lost school land warrants.

Read first and second times, and referred to the Committee on Public Lands.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on Saturday last, passed Senate bill No. 229, an act to amend an act to authorize a special term of the district

court, to be held in the county of Butte, and to fix the time for holding said special term ;

Also, Assembly bill No. 341, an act fixing the time of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino.

J. W. SCOBEEY, Assembly Clerk.

MARCH 22, 1858.

Assembly bill No. 341 was read first and second times, and referred to the senator from San Bernardino.

GENERAL FILE.

Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature, was read a third time, and passed.

The report of the Committee on Claims relative to the account of Baker & Swinerton, was laid temporarily on the table.

Senate bill No. 210, an act to authorize the congregation of St. Patrick's (Catholic) church, in the city of Stockton, to remove the remains of deceased persons—on motion of Mr. Melony, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate bill No. 190, an act to authorize the Secretary of State to provide a new seal, and to appropriate money to pay for the same, was, on motion of Mr. Thom, laid on the table.

Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk, as clerk of the various courts, and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties, was ordered engrossed and to be read a third time.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, was taken up, and amendments of committee adopted, and on motion of Mr. Burch, the bill was made the special order of the day for Wednesday, March 24, at twelve o'clock.

Senate bill No. 182, an act to authorize the construction of certain wharves, was considered in Committee of the Whole, and reported back with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed and to be read a third time.

Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was, on motion of Mr. Carpenter, laid on the table.

Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, was, on motion of Mr. Melony, laid on the table.

Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county, that may be outstanding on the first day of July, 1858, and not heretofore funded, was read a third time, and passed.

Substitute for Senate resolution, relative to mileage, reported by Committee on Contingent Expenses, was taken up.

Mr. Ferguson of Sacramento moved to strike out "ten dollars" and insert "thirty-one dollars and fifty cents," which was carried, and the resolution, as amended, was then adopted.

SPECIAL ORDER.

Senate bill No. 206, an act repealing the laws now in force relating to the militia, and concerning the organization, enrollment, and discipline of the militia of this state, was, on motion of Mr. Ferguson of Sacramento, made the special order of the day for Friday, March 26, at twelve o'clock.

Mr. Ferguson of Sacramento asked leave to withdraw the papers of A. C. Hunter, which was granted.

Mr. Johnson of Sacramento, had leave to withdraw the papers of Carswell & Hossack, and B. C. Newcomb.

GENERAL FILE RESUMED.

Senate bill No. 186, an act for the relief of Sacramento county, was considered as in Committee of the Whole, and reported back, with amendments, and, on motion of Mr. Baker, the bill was laid on the table.

Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers, was read a third time, and passed.

Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, was, on motion of Mr. Chase, recommitted to the Judiciary Committee.

Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate, was read a third time and passed.

Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856, was considered in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, bill read a third time, and, on motion of Mr. Gregory, laid on the table.

Senate bill No. 159, an act to improve the navigation of Petaluma Creek, was laid on the table.

Senate bill No. 167, an act to amend the act of April 9, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum, was, on motion of Mr. Thom, laid on the table.

Senate bill No. 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19, 1853, reported by Judiciary Committee, was read first and second times, and recommitted to the Judiciary Committee.

Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, reported with amendment; amendment of committee rejected.

Mr. Burch offered the following, which was adopted:

"Nothing in this act shall be so construed as, in any manner, to affect proceedings heretofore commenced, or which may be commenced prior to the first of June, A. D. 1853, under the act hereby repealed.

"This act shall take effect, and be in force, from and after the first day of June, 1858."

The bill was then ordered engrossed, and to be read a third time.

Senate bill No. 217, an act to audit the claim of Baker & Swinerton, was, on motion of Mr. Burch, laid on the table.

Assembly bill No. 198, an act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Shasta, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill read a third time, and passed.

FURTHER SPECIAL ORDER.

Senate bill No. 118, an act to create the office of State Librarian, and to provide for the increase and preservation of the state library.

Mr. Bell moved a call of the Senate.

Lost.

Mr. Thom moved to make the bill the special order of the day for tomorrow, Tuesday, at twelve o'clock, M.

Lost.

Mr. Rogers moved to lay the bill on the table.

Lost.

Bill considered as in Committee of the Whole.

On motion of Mr. Johnson of El Dorado, the bill was made the special order of the day for Wednesday, March 24, at half-past twelve o'clock.

GENERAL FILE RESUMED.

The report of the Committee on Claims, relative to the claim of Harriet Barry, was referred to the Judiciary Committee.

Senate bill No. 229, an act to audit the claim of J. Tyson, reported by the Committee on Claims, was read first and second times, and laid over, under the rule.

Senate bill No. 88, an act to amend an act entitled an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed, and to be read a third time.

FURTHER SPECIAL ORDER.

Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857, was, on motion of Mr. Melony, laid on the table.

GENERAL FILE RESUMED.

Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county contracted prior to March 1, 1858.

In motion of Mr. Carter, the rules were further suspended, and bill read a third time, and passed.

Assembly bill No. 273, an act for the better regulation of the waters of several lake, spring, ponds, in the counties of Thomas and Blount, and to change the method of administering justice for the safety of said waters—

On motion of Mr. Carter, the rules were further suspended, and bill read a third time, and passed.

Assembly bill No. 274, an act for the compensation of your commissioners, was considered as a Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of Committee of the Whole adopted, bill ordered to proceed, and read a third time.

Assembly bill No. 275, an act recommending to the election of the state a vote for or against a constitutional convention, together with amendments, was on motion of Mr. Ewell, made the special order of the day for Thursday, March twenty-fifth, or nearest day.

On motion of Mr. Delahorn, Senate bill No. 21, an act regarding the improvement and regulation of dams and confines, was considered as a Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of Committee of the Whole adopted, and bill ordered to proceed, and read a third time.

Assembly bill No. 276, an act to amend certain sections of an act to provide for the incorporation of water, approved April 19, 1866, was read a third time, and passed.

Senate bill No. 278, an act to admit certain claims, reported from Finance Committee on Finance, was read first and second times, and on motion of Mr. Delahorn, the rules were further suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 277, an act to fix the compensation of certain officers in the counties of New Jasper and Lincoln, was considered as a Committee of the Whole, and reported back, with amendments.

IN SENATE

Amendments of committee adopted, and bill read a third time, and passed.

Senate bill No. 279, an act for the relief of James L. English, was read a third time, with an address of Mr. Eiler; the bill was referred to the Judiciary Committee, with instructions to inquire whether the committee had the authority to appoint an attorney to attend to the case alluded to.

Senate bill No. 279, an act to admit the claims of Samuel Weston, reported from Finance Committee on Finance, was read first and second times, and left over the rules.

The following message was received from the Assembly:

Assembly Chamber,
March 22, 1868.

Mr. President:—The Assembly have today passed Assembly bill No.

335, an act amendatory of an act entitled an act to incorporate the city of Sonora, approved March 9, 1855;

Also, Senate bill No. 230, an act to amend an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 335 was read first and second times, and referred to the delegation from Tuolumne.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
March 22, 1858. }

MR. PRESIDENT:—The Assembly, on the sixteenth instant, passed Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned.

J. W. SCOBEEY, Clerk.

Assembly bill No. 252 was read first and second times, and referred to the delegation from San Francisco.

REPORTS.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 45, entitled an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo;

Also, Senate bill No. 174, entitled an act to audit the claim of John S. Love;

Also, Senate bill No. 180, entitled an act empowering the Governor of this state to pardon one Cyrus W. Deable;

Also, Senate bill No. 90, entitled an act to amend an act entitled an act concerning the courts of this state, and judicial officers, passed May 19, 1853;

Also, Senate bill No. 134, entitled an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;

Also, Senate bill No. 108, entitled an act for the relief of Thomas R. Eldredge, for correcting proof of Spanish Laws of 1856;

Also, Senate bill No. 109, entitled an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850;

Also, Senate bill No. 220, an act to amend an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding said special term, and find the same correctly enrolled.

GEO. H. ROGERS, of the Committee.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 47, entitled an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, and find the same correctly enrolled.

On the twentieth instant, presented the same to his Excellency the Governor.

GEO. H. ROGERS, of the Committee.

Reports accepted.

Mr. Grant, by leave, introduced a bill for an act to grant the right of way to certain persons therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon.

Read first and second times, and referred to the delegation from San Francisco and San Mateo.

Mr. Sullivan, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, and find the same correctly engrossed.

E. L. SULLIVAN, of the Committee.

Mr. Holden, of the Stanislaus delegation, made the following report:

MR. PRESIDENT:—The delegation from Stanislaus county, to whom was referred Assembly bill No. 97, for an act to change the manner of paying officers of elections in the county of Stanislaus, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

HOLDEN.

Report accepted, and, with bill, placed on file.

GENERAL FILE RESUMED.

Assembly bill No. 97, an act to change the manner of paying officers of elections in the county of Stanislaus, was read a third time, and passed.

Mr. Thom, by leave, introduced a bill for an act for the relief of Wm. H. Peterson.

Read a first and second times, and referred to the Committee on Claims.

On motion of Mr. Dickinson, the Senate adjourned.

Approved.

SAM'L A. MERRITT, President *pro tem*.

Attest: THOS. N. CAZNEAU, Sec. Senate.

IN SENATE.

TUESDAY, March 23, 1858.

Senate met pursuant to adjournment.

President *pro tem*. in the chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom were referred the claims of John Dall, for wood furnished the state prison in 1855 ;

Claim of George W. McGee, for one boat purchased for state prison and freight furnished in 1855 ;

The claim of Wm. Clark, for freight on goods and merchandise furnished state prison in 1855 ;

Claim of H. & W. P. Gibbons, for attendance on state marine hospital, during the month of April, 1845 ;

Have directed me to report the same back, with the accompanying bills, and recommend their passage.

The petition of Sister Mary B. Russell, for expenses incurred for interment of indigent sick, who died in county hospital, San Francisco, from April, 1855, to June 28, 1856, have directed me to report the same back, and recommend it be rejected.

Also, the claim of sloop "Pet," and owners, for freight furnished state prison, and claim of McGee & Flaherty, for freight furnished state prison in 1855, were rejected.

E. F. BURTON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee report as follows :

Senate bill No. 41, an act to regulate the rate of interest on money, and to prevent usury, is reported back, with the recommendation that it be indefinitely postponed ;

Assembly bill No. 146, an act amendatory of an act concerning officers, passed April 28, 1851, with recommendation that it pass ;

Assembly bill No. 294, an act concerning official bonds of justice of the peace, and constables of the counties of this state—

Committee recommend to amend fourth line of first section, by striking out the word "affixed," and inserting in the place thereof the word "fixed," and that the bill, as amended, be passed ;

Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison, with recommendation that it pass ;

Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction, with recommendation that it pass ;

Senate bill No. 91, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, passed April 29, 1851—

Committee recommend that sections four and five be stricken out, and that the bill, as amended, be passed.

S. H. CHASE, Chairman Committee.

Report accepted, and, with bills, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly bill No. 210, entitled an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, have had the same under consideration and respectfully report the same for the consideration of the Senate.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Thom, chairman of the special joint committee to visit the state prison and take an inventory of the public property there, and for other purposes, made the following report, which the secretary proceeded to read, when, on motion, the further reading was dispensed with, and the usual number of the report and accompanying papers ordered printed.

Messrs. Soule and Phelps, of the San Francisco and San Mateo delegation, to whom Assembly bill No. 37, was referred, made the following report:

MR. PRESIDENT:—The undersigned, members of the San Francisco and San Mateo delegation, to whom was referred Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco and county of San Francisco, as they existed prior to the first day of July, A. D. 1856, have examined the same and recommend the same be amended by striking out the name of "Terence Foley," in the second line of the second section, and inserting the name of "John Van Bergen," or the name of some other disinterested person. On examination of the report of a former board of examiners, consisting of Edmund Randolph, Louis W. McLane, Jr., G. W. P. Bissell, who, by their construction of the law under which they acted, considered it their duty to reject all claims not strictly legal, we find Mr. Foley presented claims to the amount of four thousand dollars, which were rejected by said board. The undersigned deem this a sufficient reason why he should not constitute one of the new board of examiners, and, with such amendment, recommend its passage.

S. SOULE,
T. G. PHELPS.

Mr. Sullivan, of the San Francisco delegation, made the following additional report:

MR. PRESIDENT:—The undersigned, one of the San Francisco delegation, to whom was referred Assembly bill No. 37, an act to provide for the funding and outstanding unfunded claims against the city of San Francisco and county of San Francisco, as they existed prior to the first day of July, A. D. 1856, has examined the same, and recommends that it be amended by striking out the names of Geo. J. Whelan, Thos. J. Poulterer, Fletcher W. Haight, Jas. C. Cary, and Terence Foley, as a board of examiners, and inserting the names of Edmund Randolph, John Van Bergen, Harry I. Thornton, Alexander G. Abell, and James E. Calhoun.

E. L. SULLIVAN, of Delegation.

Mr. Grant, of the San Francisco delegation, made the following additional report :

MR. PRESIDENT:—The undersigned, a minority of the committee consisting of the delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 37, an act to provide for the funding of the outstanding unfunded claims against San Francisco, as they existed prior to the first day of July, A. D. 1856, has had the same under consideration, and reports the same back to the Senate, without amendment, and recommends its passage.

GILBERT A. GRANT.

Mr. Griffith moved to refer the bill and reports to a special committee of five, which was lost, and bill, with reports, placed on file.

INTRODUCTION OF BILLS.

Mr. Bell introduced a bill for an act organizing the university of the state of California, under the name of the Regents of the University of the State of California.

Read first and second times, ordered printed, and referred to the Committee on Education.

Mr. Griffith introduced a bill for an act supplementary to an act entitled an act to amend an act to establish a standard of weights and measures, passed April 30, 1853.

Read first and second times, and referred to the Judiciary Committee.

Mr. Johnson of Sacramento moved to take from the table Senate bill No. 217, an act to audit the claim of Baker & Swinerton.

Carried, and bill placed on calendar.

Mr. Burch offered the following resolution :

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in joint convention on Monday, the fifth day of April, A. D. 1858, at twelve o'clock, M., for the purpose of electing a Quartermaster General, in place of Gen. W. C. Kibbe.

BURCH.

On motion of Mr. Anderson, the resolution was made the special order of the day for April 1, at twelve o'clock, M.

Mr. Baker moved to take from the table Senate concurrent resolution, relative to the adjournment of the two Houses *sine die*.

Upon which, the ayes and noes were demanded by Messrs. Johnson of El Dorado, Chase, and Burch, and taken, with the following result : Ayes, 20—noes, 11 :

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Griffith, Merritt, Melony, Pacheco, Phelps, Sullivan, Taliaferro, and Thom—20.

NOES—Messrs. Dickinson, Grant, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Rogers, and Soule—11.

So the motion was carried.

Mr. Baker moved to strike out, "March 15."

Mr. Baker moved to insert, "April 5."

Mr. Chase moved to insert, "April 12."

Mr. Grant moved to insert, "July 1."

The question being on Mr. Baker's motion to insert "April 5," the ayes and noes were demanded by Messrs. Griffith, Pacheco, and Melony, and taken, with the following result: Ayes, 14—noes, 18:

AYES—Messrs. Anderson, Baker, Burton, Coulter, Goodwin, Griffith, Hamm, Holden, Melony, Pacheco, Phelps, Rogers, Sullivan, and Thom—14.

NOES—Messrs. Allen, Berry, Burch, Bell, Chase, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Hart, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Soule, and Taliaferro—18.

So the motion was lost.

Mr. Griffith moved to lay the resolution on the table, upon which, the ayes and noes were demanded by Messrs. Burton, Anderson, and Griffith, and taken, with the following result: Ayes, 15—noes, 17:

AYES—Messrs. Bell, Ferguson of Sacramento, Ferguson of Sierra, Grant, Gregory, Griffith, Hamm, Hart, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Phelps, Rogers, and Thom—15.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Chase, Coulter, Dickinson, Garter, Goodwin, Holden, Melony, Pacheco, Soule, Sullivan, and Taliaferro—17.

So the motion was lost.

The question recurring on the motion of Mr. Chase to insert "April 12," the ayes and noes were demanded by Messrs. Baker, Melony, and Chase, and taken, with the following result: Ayes, 26—noes, 6:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Chase, Coulter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, Sullivan, and Thom—26.

NOES—Messrs. Bell, Ferguson of Sacramento, Grant, Hart, Johnson of Sacramento, and Taliaferro—6.

So the motion was carried.

The resolution, as amended, was then adopted.

Mr. Chase, chairman of the Judiciary Committee, to whom was referred Senate bill No. 217, an act for the relief of James L. English, reported, verbally, that the committee found that he had no authority.

Report accepted, and with bill, placed on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 146, an act to provide for the purchase of the court-house of Sacramento county for a capitol, was taken up.

Mr. Burch moved to recommit the bill, with the following instructions:

Recommit, with instructions to the committee reporting it to amend, by inserting in the bill as follows:

"Said commissioners shall, by an examination of competent builders, experts, and architects, ascertain and determine the actual value of the buildings and improvements by this act provided to be purchased, which amount so ascertained, together with the actual value of the lots, in this act described, shall be the extent to which said commissioners shall use the appropriation hereby made, in the purchase of said buildings and grounds."

Also, to provide in the bill that a majority of the commissioners shall constitute a quorum to do all acts authorized to be done by said commissioners.

Also, to strike out "Lieutenant Governor," in the first section of the bill, and wherever else it occurs, and insert instead, "the Comptroller of State."

Mr. Anderson moved to strike out the first section of the instructions.

Upon which, the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Anderson, and Burton.

Mr. Ferguson of Sacramento moved a call of the Senate, which was carried.

Roll called.

Absent—Messrs. Garter, Thom, and Hamm.

Sergeant-at-arms dispatched for absentees.

Messrs. Hamm and Thom, appearing at the bar of the Senate were, on motion, admitted.

And, on motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being on the motion of Mr. Anderson, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 10—noes, 22:

AYES—Messrs. Anderson, Allen, Baker, Burton, Dickinson, Gregory, Merritt, Melony, Phelps, and Thom—10.

NOES—Messrs. Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Mesick, Pacheco, Rogers, Soule, Sullivan, and Taliaferro—22.

So the motion was lost.

The question recurring on the motion of Mr. Burch, to recommit, with instructions, the ayes and noes were demanded by Messrs. Gregory, Burton, and Burch, and taken, with the following result: Ayes, 22—noes, 10:

AYES—Messrs. Anderson, Allen, Berry, Burch, Bell, Chase, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Mesick, Rogers, Soule, Sullivan, and Taliaferro—22.

NOES—Messrs. Baker, Burton, Coulter, Gregory, Hart, Merritt, Melony, Pacheco, Phelps, and Thom—10.

So the motion was carried.

Mr. Bell, by leave, presented the memorial of citizens of the town of Oakland, praying for the removal of the state capital.

Also, offered the following resolution:

Resolved, by the Senate, the Assembly concurring, that a joint committee of three from each House be appointed, for the purpose of visiting Oakland, Alameda county, with the view of ascertaining its adaptation as a site for the permanent location of the capital of this state, and that said committee be empowered to confer with all parties concerned in such location, and to receive any proposals that may be made.

On motion of Mr. Burton, the memorial and resolution were referred to the Committee on State Prison and Public Buildings.

Mr. Hart, by leave introduced a bill for an act to define more definitely the northern and western boundaries of the county of Butte, which was read first and second times, and referred to the Committee on Counties and County Boundaries.

FURTHER SPECIAL ORDER.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges.

On motion of Mr. Hudson, the bill was made the special order of the day, for Friday, March 20th, at twelve o'clock.

Mr. Ball moved that the usual number of the memorial of citizens of Oakland be printed, which was lost.

Mr. Burton, by leave, made the following report:

MR. PRESIDENT:—I am instructed by the Committee on Claims to state that different parties claiming to have an interest in the claims of the late Hamilton Bowie, against the state, for supplies furnished the same person, move that the matter be referred to the Judiciary Committee, for their decision.

E. F. BURTON.

Report accepted, and referred to the Judiciary Committee.

On motion of Mr. Melony, Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857, was taken from the table, considered in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Griffith offered the following additional amendment:

Add to third section: "The first election for resident and assistant physician under the provisions of this act, shall be on or after the first Monday of March, 1861, when the term of the present incumbents shall expire."

Upon which, the ayes and noes were demanded by Messrs. Burton, Melony, and Anderson, and taken, with the following result: Ayes, 14—noes, 18:

AYES—Messrs. Coulter, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Melony, Rogers, Sullivan, and Tahaterro—14

NOES—MESSRS. Anderson, Baker, Berry, Burch, Burton, Bell, Chase, Dickinson, Garter, Goodwin, Grant, Gregory, Merritt, Mesick, Pacheco, Phelps, Soule, and Thom—18.

So the amendment was lost.

The bill was then ordered engrossed and to be read a third time.

Mr. Taliaferro moved to adjourn, which was lost.

GENERAL FILE.

Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, was read a third time, and passed.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
March 23, 1858. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, 23d inst., passed Assembly bill No. 334, an act to fix the terms of the court of sessions of the county of Trinity;

Also, Assembly bill No. 65, an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election and define their duties in certain cases, and establish their salaries;

Also, Assembly bill No. 354, an act to fix the terms of the probate court in the county of Contra Costa;

Also, Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854;

Also, Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants, with certain amendments;

In which the concurrence of the Senate is respectfully asked.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 334 was read first and second times, and, on motion of Mr. Burch, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 65 was read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 354 was read first and second times, and, on motion of Mr. Melony, the rules were further suspended, bill read a third time, and passed.

Senate bill No. 30, reported from Assembly, with amendments—

In first amendment, the Senate concurred.

Second amendment, Senate refused to concur.

Senate bill No. 91, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was laid on the table.

Mr. Thom moved to adjourn, which was lost.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856—

Mr. Griffith moved to refer the bill to a special committee of five, upon which, the ayes and noes were demanded by Messrs. Phelps, Grant, and Sullivan, and taken, with the following result: Ayes, 18—noes, 13:

AYES—Messrs. Anderson, Burch, Bell, Dickinson, Ferguson of Sacramento, Garter, Griffith, Hamm, Hart, Johnson of Sacramento, Lewis, Merritt, Melony, Mesick, Rogers, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Allen, Baker, Berry, Burton, Chase, Coulter, Grant, Gregory, Holden, Johnson of El Dorado, Pacheco, Phelps, and Soule—13.

So the motion prevailed.

Mr. Grant moved that the committee be instructed to report the bill back to-morrow, (Wednesday,) March 24.

Carried.

The chair announced as special committee, Messrs. Griffith, Rogers, Hamm, Garter, and Mesick.

On motion of Mr. Burton, the Secretary of the Senate was directed to transmit to the Assembly the papers relating to the claims of the Pacific Express Company.

Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

On motion of Mr. Griffith, the bill was made the special order of the day for Thursday, March 25, at one o'clock, p. m.

Assembly bill No. 294, an act concerning official bonds of justices of the peace and constables of the counties of this state, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, bill read a third time, and passed.

Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison, was ordered engrossed, and to be read a third time.

Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction, was read a third time, and passed.

GENERAL FILE RESUMED.

Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, was, on motion of Mr. Ferguson of Sacramento, made the special order of the day for to-morrow, (Wednesday,) March 24, at three quarters after eleven o'clock.

Senate bill No. 154, an act entitled an act to incorporate the town of Petaluma—on motion of Mr. Taliaferro, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Johnson of Sacramento, Senate bill No. 186, an act for the relief of Sacramento county, was taken from the table, and referred to a special committee of three.

The chair announced as such committee, Messrs. Johnson of Sacramento, Gregory, and Chase.

Senate bill No. 222, an act for the relief of Jas. L. English, was, on motion of Mr. Baker, laid on the table.

Mr. Chase moved to adjourn, which was lost.

Senate bill No. 41, an act to regulate the rate of interest on money, and to prevent usury, was, on motion of Mr. Griffith, made the special order of the day for Tuesday, March 30, at twelve o'clock.

Assembly bill No. 146, an act amendatory of an act concerning officers, passed April 28, 1851, was read a third time, and passed.

Mr. Thom moved to adjourn, which was lost.

Mr. Bell, by leave, introduced a bill for an act to prevent goats and stallions running at large.

Read first and second times, and referred to the Committee on Agriculture.

On motion of Mr. Thom, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

WEDNESDAY, March 24, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

SACRAMENTO, March 27, 1858.

State of California,

To James Anthony & Co., DR.,

Newspapers furnished Senators from March 1, 1858, to March 27, 1858, four weeks, inclusive, to each, - - - - \$55 00

MR. PRESIDENT: The Committee on Contingent Expenses recommend the payment of the above account of James Anthony & Co., from the contingent fund.

BAKER, Chairman.

Report accepted, and placed on file.

Mr. Lewis, chairman of Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk (as clerk of the various courts) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties;

Also, an act to repeal an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Garter made the following report :

MR. PRESIDENT :—The delegation from Shasta, to whom was referred Assembly bill No. 298, an act to regulate fees in office in the county of Tehama, report the same back, with the accompanying bill, as a substitute, and recommend the passage of the substitute.

E. GARTER, Shasta delegation.

Report accepted, and, with bill, placed on file.

Mr. Grant made the following report :

MR. PRESIDENT :—The committee, consisting of the delegation from the counties of San Francisco and San Mateo, to whom was referred Senate bill No. 233, an act to grant the right of way to certain parties therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon, have had the same under consideration, and report the same back to the Senate, without amendment, and recommend the passage of the same.

GILBERT A. GRANT,
SAMUEL SOULE,
E. L. SULLIVAN,
T. G. PHELPS.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Taliaferro, by leave, introduced a bill for an act to allow Lindley Carson to sell certain real estate.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill for an act supplementary and amendatory to an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplementary thereto.

Read first and second times, and referred to the Committee on Corporations.

Mr. Gregory, by leave, introduced a bill for an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851.

Read first and second times, and referred to the Judiciary Committee.

Mr. Bell introduced a bill for an act amending an act entitled an act to incorporate the city of Oakland, passed March 25, 1851.

Read first and second times, and referred to the delegation from Alameda.

Mr. Sullivan, by leave, introduced the following bills :

An act to quiet the title to certain lands in the city and county of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Also, an act to authorize the board of supervisors of the city and county of San Francisco to provide for the claim of Columbian Engine Company, No. 11, to erect a monument in memory of Thomas Murray ;

Also, an act for the relief of David Seannell, late sheriff of the county of San Francisco ;

Also, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March twenty-fifth, 1857 :

Also, an act to repeal an act entitled an act to regulate the fire department of the city and county of San Francisco, passed April thirtieth, 1855;

Which were severally read first and second times, and referred to the delegation from San Francisco and San Mateo.

Mr. Garter, by leave, introduced a bill for an act supplementary to and amendatory of an act entitled "an act to provide for the sale of the interest of the state of California in the property within the water-line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed May 26, 1851," passed May 18, 1853.

Read first and second times, and referred to the Judiciary Committee.

Mr. Taliaferro, by leave, introduced a bill for an act to change the name of Newman Bleistein to Bleistein Newman.

Read first and second times, and, on motion of Mr. Taliaferro, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Lewis offered the following resolution, which was adopted :

Resolved, That the clerk of the Engrossing Committee be allowed an assistant.

W. T. LEWIS, Chairman Committee.

Mr. Bell offered a resolution instructing the secretary to request the Assembly to return to the Senate, Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda.

Adopted.

Mr. Goodwin, chairman of State Prison Committee, offered the following resolution, which was adopted :

Resolved, That M. F. Butler be and he is hereby allowed the sum of one hundred and sixteen dollars, as mileage and *per diem*, for six day's services before the State Prison Committee, at the prison, and mileage from Sacramento to the prison, in January, A. D. 1858.

Mr. Burton offered the following resolution, which was adopted :

Resolved, That the committees of the Senate be required to report back to the Senate, all matters in their hands, on or before the fifth day of April next.

Mr. Burch, chairman of the Committee on Swamp and Overflowed Lands, reported back Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River, recommending its passage, without amendment.

Report accepted, and, with bill, placed on file.

Mr. Ferguson of Sacramento, by leave, presented the remonstrance of citizens of the county of Sacramento against the passage of Senate bill No. 83, known as the consolidation bill.

Read, and ordered on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, was taken up.

On motion of Mr. Ferguson, the bill was recommitted to the delegation from Sacramento, with instructions to make the following amendments :

Substitute for section five—"On the first Monday in May next, there shall be elected by the legal voters of the county of Sacramento, by general ticket, and in the manner provided by law for the election of other county officers at the general election, five supervisors, whose term of office shall continue until the fifth day of October next, and until their successors are elected and qualified; and at the same time and manner, there shall be elected a president of the board of supervisors, whose term of office shall continue until the general election in the year 1859, and until his successor is elected and qualified; which supervisors and president, elected as herein provided, and the three supervisors of the county, elected at the last general election, shall constitute the board of supervisors for the city and county of Sacramento until the next general election, as herein provided. On and after the first Monday of October, 1858, the board of supervisors shall consist of a president and eight members, to be elected as hereinafter prescribed. Four members of said board, together with the president, or five members in case of the absence of the president, shall form a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members by such fine and penalty as the board, by ordinance, may determine."

Amend section eight, by striking out in fifth line, (printed bill,) the words "at the annual election in 1858."

Amend section twenty, by adding in the eighth line, (printed bill,) after the word "same," the words "except for such current expenses of the county as may accrue prior to January first, 1859, and not otherwise provided for in this act."

Amend section twenty-sixth, by striking out, in the first line, the words "appointed by," and insert the words, "elected in accordance with the provisions of."

Substitute for section thirty-six—"The revenue collected or accruing prior to the first day of January, in the year 1859, throughout the city and county, except such as may be collected for municipal purposes within the city limits, is hereby set apart and apportioned as follows, viz.: Twelve per cent. to a school fund, to be used for school purposes as provided by law, the balance to a general fund, which shall be applied to the payment of the outstanding auditors' warrants, lawfully drawn on the treasury, and payable in the order of their registry. And the revenue accruing and collected for the county, after the said first day of January, 1859, when paid into the treasury, twenty-five per cent., shall go to the interest and sinking fund; ten per cent., to the school fund; eight per cent. to the pauper and indigent sick fund; twenty-five per cent. to the salary fund; and the balance, thirty-two per cent., to the general fund; all of which shall be exclusively applied to the several purposes for which such funds were set apart. And if, at the close of any fiscal year, there shall remain a surplus in either of the funds mentioned in section thirty-five, such surplus moneys shall be transferred to the interest and sinking fund,

provided in such thirty-fifth section; and if a surplus shall be found at the end of any fiscal year in either fund mentioned in section thirty-sixth, such surplus shall be transferred to the interest and sinking fund, mentioned in said section thirty-sixth. And any transfer of any sum or surplus from one of the funds mentioned in sections thirty-five and thirty-six, to another fund, made at any other time, or in any other way than as provided in this act, is hereby strictly prohibited; and any violation of such provision, on the part of any officer, shall constitute a misdemeanor, punishable by fine of not less than five hundred dollars, or imprisonment in the county jail of not less than three months.

Amend section thirty-eight by striking out, in the second line, the words "are now or," and after the word "unpaid," in the same line, insert the words "and unprovided for by this act."

Mr. Ferguson of Sacramento, made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was recommit-
ted Senate bill No. 83, with special instructions, have had the same under
consideration, and recommend the passage of the same, with the amend-
ments provided for by the instructions of the Senate.

WM. I. FERGUSON,
JOSIAH JOHNSON.

Mr. Ferguson moved that the rules be suspended, and bill considered
now, which was carried, and amendments of committee adopted.

And, on motion of Mr. Ferguson of Sacramento, the rules were sus-
pended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were
demanded by Messrs. Ferguson of Sacramento, Merritt and Gregory, and
taken, with the following result : Ayes, 23—noes, 8 :

AYES—Messrs. Anderson, Baker, Berry, Bell, Chase, Coulter, Dickin-
son, Ferguson of Sacramento, Griffith, Hamm, Hart, Holden, Johnson of
Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Phelps,
Rogers, Soule, Sullivan, Taliaferro, and Thom—23.

NOES—Messrs. Allen, Burch, Burton, Garter, Goodwin, Gregory, Mer-
ritt, and Pacheco—8.

So the bill was passed.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
March 24, 1858. }

MR. PRESIDENT :—The Assembly, on the 22d instant, passed Assembly
bill No. 254, an act to authorize the board of supervisors of the several
counties of this state to grant the right to construct wharves on the over-
flowed and submerged lands of this state;

Also, Assembly bill No. 263, an act to authorize the guardian of Dionisio
Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of
their real estate at private sale;

Also, with amendments, Senate bill No. 60, an act to provide for the
better observance of the Sabbath, and respectfully ask the concurrence
of the Senate in the amendments of the bill.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 254 was read first and second times, and referred to the Committee on Senate and Constitutional Limits.

Assembly bill No. 255 was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 93, taken up, and amendments made by Assembly considered.

On motion of Mr. Anderson, Senate bill No. 91, as yet to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 25, 1854, was taken from the table, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

And, on motion of Mr. Anderson, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
Sacramento, March 24, 1858. }

To the Senate of California:

I hereby transmit and appoint Richard W. Hoock, a resident merchant of San Francisco, one of the pilot commissioners for that port, ex-officio Wm. M. McMichael, whose term of office has expired, and respectfully ask the confirmation of your honorable body.

JOHN B. WELLER.

The question being on confirming the nomination, the roll was called, with the following result: Ayes, 25—nays, none:

AYES—Messrs. Anderson, Allen, Barry, Borch, Burton, Bell, Chase, Collier, Davidson, Carter, Goodwin, Gregory, Griffith, Hamm, Hart, Hutton, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Martin, Milroy, Mott, K. Thacker, Rogers, South, Sullivan, Tainter, and Thom—29.

NAYS—None.

So the appointment was unanimously confirmed.

The following message was received from the Assembly:

Mr. President:—I am directed to return to the Senate, agreeably to a resolution passed by that body, Assembly bill No. 129, an act to fix the compensation of district clerks in the counties of San Joaquin and Alameda.

J. W. SCOBEE, Clerk.

On motion of Mr. Bell, the vote by which said Senate, on yesterday, passed Assembly bill No. 129, was reconsidered, and the vote by which the bill passed in the third reading was also reconsidered, and bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments adopted, bill read a third time, and passed.

Mr. Thom, by leave, made the following report :

MR. PRESIDENT :—The delegation from the first senatorial district, to whom was referred Assembly bill No. 341, being an act fixing the time of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino, has had the same under consideration, and begs leave to report the bill back to the Senate, without amendment, and recommend its passage.

C. E. THOM, First District.

Assembly bill No. 341 was, on motion of Mr. Thom, taken up, rules suspended, read a third time, and passed.

FURTHER SPECIAL ORDER.

Senate bill No. 118, an act to create the office of State Librarian, and to provide for the increase and preservation of the state library, was taken up.

Mr. Bell moved a call of the Senate.

Carried.

The roll was called.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Chase, Allen, Griffith, Dickinson, Taliaferro, Melony, Holden, and Garter, appearing at the bar of the Senate, were, on motion, admitted.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

The bill was then considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole were rejected.

Question on ordering the bill engrossed to be read a third time, upon which, the ayes and noes were demanded by Messrs. Baker, Melony, and Merritt, and taken, with the following result : Ayes, 12—noes, 17 :

AYES—Messrs. Anderson, Baker, Bell, Goodwin, Grant, Gregory, Griffith, Mesick, Phelps, Soule, Sullivan, and Taliaferro—12.

NOES—Messrs. Burch, Burton, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, and Thom—17.

So the Senate refused to order the bill engrossed.

FURTHER SPECIAL ORDER.

The Governor's message, returning, without his approval, Senate bill No. 46, an act entitled an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, was taken up.

The question being, " Shall the bill pass notwithstanding the objections of the Governor?" the roll was called, with the following result : Ayes, 6—noes, 24 :

AYES—Messrs. Bell, Ferguson of Sacramento, Grant, Griffith, Merritt, and Taliaferro—7.

NOES—Messrs. Anderson, Allen, Berry, Burch, Burton, Chase, Coulter, Dickinson, Garter, Goodwin, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Mesick, Pacheco, Rogers, Soule, Sullivan, and Thom—24.

So the Senate refused to pass the bill.

Mr. Griffith, by leave, introduced a bill for an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854.

Read first and second times, and referred to the Committee on Commerce and Navigation.

FURTHER SPECIAL ORDER.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, was taken up.

Mr. Chase offered the following as a proviso, to be added to section three:

Provided, That whenever the owner of a ferry, or toll-bridge, licensed under the act of which this is amendatory, shall apply for a renewal of such license, nothing in this act shall be so construed as to prevent the granting of such renewal, although such ferry or toll-bridge may be within two miles of any other regularly established ferry or toll-bridge.

Which was adopted.

The bill was then ordered engrossed, and to be read a third time.

Mr. Rogers, by leave, made the following report:

MR. PRESIDENT:—The delegation from Tuolumne, to whom was referred Assembly bill No. 335, an act amendatory of an act entitled an act to re-incorporate the city of Sonora, approved March 19, 1855, report the same back, and recommend its passage, without amendment.

ROGERS, of the Delegation.

On motion of Mr. Holden, the bill was considered, read a third time, and passed.

GENERAL FILE.

Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk, (as clerk of the various courts,) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties, was read a third time, and passed.

Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Chase, Bell, and Gregory, and taken with the following result: Ayes, 14—noes, 14:

AYES—Messrs. Anderson, Berry, Burch, Burton, Dickinson, Garter, Goodwin, Gregory, Hamm, Lewis, Merritt, Mesick, Pacheco, and Phelps—14.

NOES—Messrs. Allen, Baker, Bell, Chase, Ferguson of Sacramento,

Grant, Griffith, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Soule, and Taliaferro—14.

The chair voting in the affirmative, the bill was passed.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

GENERAL FILE RESUMED.

Senate bill No. 207, an act to audit certain claims, was read a third time, and passed.

Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857, was considered as in Committee of the Whole.

IN SENATE.

Amendments adopted, bill read a third time, and passed.

Senate bill No. 252, an act to audit the claim of John Dall, reported from Committee on Claims, was read first and second times, and, on motion of Mr. Burton, the rules were suspended, and bill ordered engrossed, to be read a third time.

Senate bill No. 253, an act to audit certain claims, reported from Committee on Claims, was read first and second times.

On motion of Mr. Burton, rules suspended, and bill ordered engrossed, and to be read a third time.

Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons, reported from Committee on Claims, was read first and second times.

On motion of Mr. Burton, rules suspended, bill ordered engrossed, and to be read a third time.

The report of the Committee on Claims, recommending the rejection of the claim of Sister Mary B. Russell, and sloop Pet and owners, and McGee & Flaherty, was taken up.

On motion of Mr. Merritt, the claim of Sister Mary B. Russell was laid on the table, and report of committee adopted.

Senate bill No. 217, an act to audit the claim of Baker & Swinerton, was laid on the table.

The report of the Committee on Contingent Expenses, recommending the payment of the claim of James Anthony & Co., for newspapers furnished senators, was accepted.

Assembly bill No. 298, an act to regulate fees in office in the county of Tehama, was taken up, and substitute of committee adopted.

On motion of Mr. Burton, the rules were suspended, and bill read a third time, and passed.

Senate bill No. 233, an act to grant the right of way to certain persons

therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon—

On motion of Mr. Grant, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River, was read a third time, and passed.

On motion of Mr. Taliaferro, Senate bill No. 159, an act to improve the navigation of Petaluma Creek, was taken from the table.

Mr. Taliaferro moved to amend as follows:

Section one, line seventeen, insert, between the words "to" and "the," the words, "a point not below the foot of B street."

Section three, seventh line, strike out the word "two," and insert, "one." Add, at the end of section: "*And, provided further,* that the one hundred feet of land on each side of the said canal shall remain open, and be a public highway."

Section four, in eleventh line, strike out the words "two hundred and fifty;" in line twelve, insert the word "seven," in lieu of "six;" line thirteen, strike out the words "three hundred," and insert the words "two hundred and fifty;" line sixteen, strike out the word "five."

Amendments adopted, and bill ordered engrossed, and to be read a third time.

REPORTS.

Mr. Rogers, of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 230, an act to amend an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and find the same correctly enrolled.

GEO. H. ROGERS, of the Committee.

Report accepted.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have this day presented to His Excellency, the Governor, Senate bill No. 45, an act to change and fix the amount of official bonds of certain officers in the county of San Luis Obispo;

Also, Senate bill No. 174, entitled an act to audit the claim of John S. Love;

Also, Senate bill No. 180, entitled an act empowering the Governor of this state to pardon one Cyrus W. Deable;

Also, Senate bill No. 90, an act to amend an act entitled an act concerning the courts of this state and judicial officers, passed May 19, 1853;

Also, Senate bill No. 134, an act to amend an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;

Also, Senate bill No. 108, an act for the relief of Thos. R. Eldredge, for correcting proof of Spanish Laws of 1856;

Also, Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850;

Also, Senate bill No. 220, an act to amend an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding the same ;

Also, Senate bill No. 230, an act to amend an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento.

GEO. H. ROGERS, of the Committee.

Report accepted.

On motion of Mr. Merritt, Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken from the table, and made the special order of the day for Friday, March 26, at one o'clock.

Mr. Berry, by leave, introduced a bill for an act in addition to and amendatory of an act entitled an act supplementary to an act entitled an act to apportion the Senatorial and Assembly districts of this state, passed May 18, 1853, approved March 6, 1857, which was read first and second times, and referred to the Judiciary Committee.

Mr. Taliaferro moved to take from the table Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage.

Lost.

On motion of Mr. Johnson of El Dorado, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, March 25, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

PETITIONS.

Mr. Bell presented the petition and a bill from students of Santa Clara college, praying for a supply of state arms, which was referred to the Committee on Military Affairs.

Mr. Grant presented the petition of citizens of San Francisco, praying for an appropriation to erect a house of refuge, which was referred to the Committee on Public Morals.

REPORTS.

Mr. Lewis chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed bills have examined Senate bill No. 88, an act to amend an act entitled an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855 ;

Also, Senate bill No. 212, an act for the incorporation of water companies ;

And Senate bill No 192, an act to authorize the construction of certain wharves;

And Senate bill No 193, an act supplementary to an act of April 30, 1875, concerning the escape of convicts from the state prison;

And had the same variously engrossed

WM T. LEWIS, Chairman of Committee

Report accepted, and, with bills, placed on file

Mr. Butler, of the Finance Committee, made the following report:

Mr. President—Your Committee on Finance, to whom was referred Senate bill No 188, have had the same under consideration, and report the same back, with the following amendments, and recommend its passage, as amended:

Amount of the first of appropriations to Supreme Court, sixteen hundred dollars;

Pay of officers and clerks of Senate, seven thousand dollars

Compensation of Governor's office, fifteen hundred dollars;

Pay of Governor's office, fifty dollars;

Pay of officers and clerks of executive of military war claims;

Official printing, twelve hundred dollars;

Compensation of Treasurer's office, eight hundred dollars

E. F. BLETCHER, of the Committee

Mr. Holden, chairman of the Committee on Public Lands, made the following report:

Mr. President—The Committee on Public Lands, to whom was referred Senate bill No 222, have had the same under consideration, and report the same back, with the following amendments, and recommend its passage:

HOLDEN, Chairman

Report accepted, and, with bill, placed on file

Mr. Butler, chairman of the Committee on Crime, made the following report:

Mr. President—Your Committee on Crime, to whom was referred the claim of James Smiley, for provisions, supplies, and materials, for raising the state prison in the months of June, July, August, September, October, and November, 1875, also, for furnishing water, and taken for repairs to state prison, in the months of December, 1875, have directed me to report the same back, with the accompanying bill, and recommend its passage.

Amount of Messrs. Whitcomb Pease and R. B. Hampton, for compensation rendered by Alfred Wasson to the state in 1874.

And the claim of J. T. Hall, for rent of office for month of January, 1876;

And the claim of P. A. Bishop and others, for work done on immigrant road in the years 1875 and 1876;

And the petition of the board of trustees of the city of San Jose, for the restoration by removal of state capital from said city;

And Senate bill No 221, an act for the relief of D. L. Mulford;

Have directed me to report same back, and recommend they be rejected.
E. F. BURTON, Chairman.

Report accepted, and, with bills, placed on file.

MR. PRESIDENT:—Your Committee on Claims, having examined the claim of D. H. Carpenter, have directed me to report the same back, with the accompanying bill, and recommend its passage.
E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

The Committee on Corporations made the following report :

MR. PRESIDENT:—The Committee on Corporations have had under consideration, and herewith report upon, the following bills :

Senate bill No. 200, an act to provide for the construction of a railroad from a point on Petaluma Creek to Healdsburg, and for the right of way for the same ;

The committee are of opinion that ample provisions exist under the general incorporation laws of this state for the formation of companies, obtaining the right of way over and through the lands of this state, whether those lands are public or private property ; and that the protection asked for in this bill it is not the practice or the interest of the state to grant. We therefore recommend the indefinite postponement of the bill.

Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857 ;

The committee are of opinion that this bill, if incorporated into a legislative enactment, would operate in violation of the spirit of section thirty-one, article fourth, of the constitution of this state. The committee make no recommendation.

Senate bill No. 205, an act supplementary to the act entitled an act to authorize the formation of plank and turnpike roads, passed May 12, 1853, and the several acts amendatory thereof ;

The committee recommend the indefinite postponement of this bill, as they conceive its provisions would operate as a useless obstacle to the construction of necessary internal improvements.

JAMES ANDERSON, Chairman.

WM. T. LEWIS,

G. J. CARPENTER,

SAM. A. MERRITT.

Report accepted, and, with bill, placed on file.

Mr. Ferguson, chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 250, entitled an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, have had the same under consideration, and have instructed me to report the same back, and recommend its passage, without amendment.

W. I. FERGUSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Rogers, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties;

Also, Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte;

Have had the same under consideration, and report them both back, and recommend their passage, without amendment.

GEO. H. ROGERS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Gregory, of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 144, an act appropriating money for the support of the state prison, have examined the same, and hereby report the same back, with a recommendation that the bill be referred to the state prison committee.

Your committee, in view of the various reports from committees visiting the state prison, showing conflicting claims in favor of and against the state, by those interested in its charge, are unable to say whether the state is indebted for the keeping of the prisoners or not, and are consequently unwilling to recommend either the rejection or payment of the claim embraced in this bill.

The state prison committee having made thorough examination of all matters connected with that institution, will be better able to judge of the correctness of this claim.

D. S. GREGORY, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 209, an act to legalize certain settlements in the form of affidavits made before the county recorders of this state, have considered the same, and report the bill to the Senate, with the recommendation that it pass;

Also, Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice, passed May 19, 1853, and recommend that the bill be indefinitely postponed;

Also, Senate bill No. 213, an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855, and recommend that the bill be indefinitely postponed;

Also, Senate bill No. 172, an act to prohibit champerty and forced sales of land not in possession of judgment-debtors, and in the city and county of San Francisco; Messrs. Chase, Gregory, Goodwin, and Burch, recommend that the bill be indefinitely postponed.

Messrs. Grant, Merritt, and Griffith, recommend the passage of the bill.

Also, Senate bill No. 101, an act to amend an act entitled an act to reg-

ulate proceedings in civil cases in the courts of justice of this state, and report substitute for section one of the bill, and recommend that such substitute be adopted, and section two of the bill be stricken out, and that the bill pass, as amended.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Johnson of El Dorado reported back, verbally, Assembly bill No. 280, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856, without amendment, and recommend its passage.

Report accepted, and bill placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 25, 1858.

To the Senate of California :

I herewith return to your honorable body Senate bill No. 45, for the purpose of having corrected a clerical error occurring in the eighth line of the bill.

JNO. B. WELLER.

On motion of Mr. Pacheco, the message and bill were laid on the table.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 25, 1858.

To the Senate of California :

I have this day approved the following bills, viz. :

An act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April ninth, 1857;

Also, an act empowering the Governor of the state to pardon one Cyrus W. Deable;

Also, an act to amend an act entitled an act concerning courts of justice of this state and judicial officers, passed May 19, 1853;

Also, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;

Also, an act to amend an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding said special term, approved March 6, 1858.

I have also to inform the Senate, that, on yesterday, I approved an act to amend an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento.

JOHN B. WELLER.

On motion of Mr. Burton, Senate bill No. 188, an act making appropriations in deficiencies heretofore made, from January 1, 1857, to July 1, 1858, was taken from the calendar, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, to be read a third time.

Mr. Ferguson of Sierra made the following report :

MR. PRESIDENT :—The delegation to whom was referred Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses in the county of Sierra, have had the same under consideration, and report the same back, with amendments, and recommend its passage

W. T. FERGUSON.

Report accepted, and, with bill, placed on file.

Mr. Bell, by leave, made the following report :

MR. PRESIDENT :—The delegation from Alameda, to whom was referred an act amending an act entitled an act to incorporate the city of Oakland, passed March 25, 1854, has had the same under consideration, and begs leave to report the same back, recommending its passage.

BELL.

On motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for an act to legalize acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Mr. Taliaferro introduced a bill for an act to fix the salary of the district attorney of the county of Santa Clara.

Read first and second times, and referred to the delegation from Marin.

Mr. Merritt, by leave, introduced a bill for an act in relation to companies incorporated for the purpose of supplying the mines and miners with water.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Holden, by leave, introduced a bill for an act to exempt pensioners of the Revolutionary War, or the War of 1812, from taxation.

Read first and second times, and referred to the Committee on Federal Relations.

Mr. Taliaferro, by leave, introduced a bill for an act for the indemnity of John F. McCauley, and the settlement and discharge of claims against the state, arising from the late management and direction of the state prison.

Read first and second times, and referred to the Committee on State Prison and Public Buildings.

Mr. Taliaferro, by leave, introduced a bill for an act for the purchase of certain personal property on the state prison premises, and authorizing the removal of property of John F. McCauley from the state prison, with the aid of convict labor.

Read first and second times, and referred to the Committee on State Prison and Public Buildings.

SPECIAL ORDER.

Senate bill No. 197, an act recommending to the electors of the state to vote for or against a constitutional convention, was taken up.

Mr. Holden moved the adoption of the substitute.

Mr. Gregory moved to lay the whole subject matter on the table.

Lost.

The question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. Holden, Baker, and Ketchum, and taken, with the following result: Ayes, 18—noes, 14:

AYES—Messrs. Allen, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Mesick, Phelps, Rogers, Soule, and Taliaferro—18.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Bell, Carpenter, Griffith, Ketchum, Lewis, Merritt, Pacheco, Sullivan, and Thom—14.

So the substitute was adopted.

Mr. Phelps offered the following amendment, which was lost:

“The county clerks of the different counties of this state shall transmit to the Secretary of State a correct account of the number of votes polled at such election in their counties, as shown by the poll-lists of the several districts of their respective counties, and the number of votes polled for and against such convention.”

The question being on ordering the bill engrossed, to be read a third time, the ayes and noes were demanded by Messrs. Baker, Bell, and Phelps.

Mr. Burch moved to suspend the rules, consider the bill engrossed, and read the bill a third time.

Upon which, the ayes and noes were demanded by Messrs. Burch, Merritt, and Baker, and taken with the following result: Ayes, 13—noes, 19:

AYES—Messrs. Allen, Burch, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Hamm, Hart, Holden, Johnson of Sacramento, Phelps, and Rogers—13.

NOES—Messrs. Anderson, Baker, Burton, Bell, Carpenter, Chase, Dickinson, Gregory, Griffith, Johnson of El Dorado, Ketchum, Lewis, Merritt, Mesick, Pacheco, Soule, Sullivan, Taliaferro, and Thom—19.

So the motion was lost.

The question recurring on ordering the bill to be engrossed, and read a third time, the ayes and noes having been demanded, the roll was called, with the following result: Ayes 16—noes, 16:

Being a tie vote, the president voted in the affirmative.

AYES—Messrs. Allen, Burch, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Rogers, Taliaferro, Thom, and Mr. President—17.

NOES—Messrs. Anderson, Baker, Burton, Bell, Carpenter, Coulter, Dickinson, Johnson of El Dorado, Ketchum, Lewis, Merritt, Mesick, Pacheco, Phelps, Soule, and Sullivan—16.

So the bill was ordered engrossed, and to be read a third time.
The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 23d inst., passed Assembly bill No. 373, an act to repeal in part an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29th, 1856;

Also, Assembly bill No. 369, an act to extend the time for making the assessment and the collection of taxes in the county of Siskiyou;

Also, Assembly bill No. 353, an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county.

J. W. SCOBAY, Clerk.

MARCH 25, 1858.

Assembly bill No. 273 was read first and second times, and referred to the delegation from Sierra.

Assembly bill No. 369 was read first and second times, and referred to the delegation from Siskiyou.

Assembly bill No. 353 was read first and second times, and referred to the delegation from Contra Costa.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 159, an act to improve the navigation of Petaluma Creek;

Also, Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state, for school purposes, by act of Congress, passed March 3d, 1853;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 235, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1856.

J. W. SCOBAY, Assembly Clerk.

Assembly bill No. 235 was read first and second times, and referred to the Judiciary Committee.

Mr. Burton moved to reconsider the vote by which the Senate, on yesterday, concurred in Assembly amendment to Senate bill No. 60, an act for the better observance of the Sabbath.

Carried.

On motion of Mr. Burton the bill was laid on the table.

FURTHER SPECIAL ORDER.

Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, was taken up.

Mr. Griffith moved to insert the county of Yolo.

Carried.

Mr. Merritt moved to insert the counties of Tulare and Merced.

Carried.

The bill was then read a third time, and passed.

Mr. Merritt gave notice of a reconsideration of the vote just taken.

GENERAL FILE.

Senate bill No. 167, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1857—

Mr. Johnson of El Dorado, moved a call of the Senate, which was carried.

Roll called.

Absent—Messrs. Berry, Burch, Chase, Ferguson of Sacramento, and Mesick.

The sergeant-at-arms was dispatched for the absentees.

Mr. Burton moved to dispense with further proceedings under the call, which was lost.

Mr. Goodwin moved to dispense with further proceedings under the call, which was carried.

Mr. Bell moved to recommit the bill to the Committee on Hospitals, with special instructions to add to the third section the words:

“The first election for resident and assistant physicians, under this act, shall take place on or after the first Monday of April, A. D. 1861, when the terms of the present incumbents shall expire.”

Upon which, the ayes and noes were demanded by Messrs. Burch, Burton, and Bell, and taken, with the following result: Ayes, 18—noes, 11:

AYES—Messrs. Berry, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Rogers, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Baker, Burch, Burton, Carpenter, Dickinson, Gregory, Hart, Ketchum, Mesick, Phelps, and Soule—11.

EXCUSED—Messrs. Anderson and Pacheco were excused from voting.

So the bill was recommitted, with instructions.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 212, an act for the incorporation of water companies, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Phelps, by leave, introduced a bill for an act to adjust the amount of indebtedness of the county of Santa Clara to the counties of San Francisco and San Mateo, which was read first and second times, and referred to the delegations from Santa Clara and San Francisco.

Mr. Lewis, chairman of the Committee on Engrossed Bills made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Sen-

ate bill No. 212, an act for the incorporation of water companies, and find the same correctly engrossed.

WM. T. LEWIS.

Report accepted, and, with bill, placed on file.

GENERAL FILE RESUMED.

Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison, was read a third time, and passed.

Senate bill No. 182 was read a third time, and, on motion of Mr. Soule, laid on the table.

Senate bill No. 88, an act to amend an act entitled an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855, was read a third time, and passed.

Senate bill No. 159, an act to improve the navigation of Petaluma Creek was read a third time, and passed.

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state, for school purposes, by act of Congress, passed May 3, 1858, was read a third time, and passed.

Senate bill No. 212, an act for the incorporation of water companies, was read a third time, and passed.

Senate bill No. 232, an act to authorize the issuance of duplicates for certain lost school-land warrants—on motion of Mr. Hart, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. —, an act to audit the claim of James Smiley, reported from Committee on Claims, was read first and second times, and, on motion of Mr. Burton, the rules were suspended, and bill ordered engrossed, and to be read a third time.

The report of the Committee on Claims, recommending the rejection of certain claims, was taken up.

On motion of Mr. Burton, the claim of Bishop and others was laid on the table.

The claims of Whitecomb Peake and J. T. Hall were rejected.

Claim and memorial of the board of trustees of San Jose—

Mr. Bell moved to lay this claim on the table, which was lost, and the claim was rejected.

Senate bill No. 221, an act to audit the claim of D. L. Mulford, was, on motion of Mr. Lewis, laid on the table.

Senate bill No. 262, an act to audit the claim of Daniel H. Carpenter, reported by Committee on Claims, was read first and second times.

On motion of Mr. Burton, the rules were suspended, and bill ordered engrossed, to be read a third time.

On motion of Mr. Taliaferro, Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, was taken from the table, and placed on the calendar.

Senate bill No. 200, an act to provide for the construction of a railroad from a point on Petaluma Creek to Healdsburg, and for the right of way for the same, was indefinitely postponed.

Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857, was, on motion of Mr. Burch, made the special order of the day for to-morrow, Friday, March 26, at 12 o'clock.

Senate bill No. 205, an act supplementary to the act entitled an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, and the several acts amendatory thereof, was, on motion of Mr. Baker, made the special order for to-morrow, Friday, March 26, at 12 o'clock.

Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, was considered as in Committee of the Whole, Mr. Merritt in the chair, and reported back without amendment.

IN SENATE.

On motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties, was ordered engrossed, and to be read a third time.

Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte, was ordered engrossed, to be read a third time.

Senate bill No. 144, an act appropriating money for the support of the state prison, was referred to the Committee on State Prison and Public Buildings.

Assembly bill No. 280, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856, was read a third time, and passed.

Mr. Taliaferro, by leave, made the following report:

MR. PRESIDENT:—Your committee, to whom was recommitted Senate bill No. 157, with special instructions to report an amendment to the third section of the bill, report, in accordance with such instructions, the following amendment:

Add to the third section: "The first election for resident and assistant physician, under this act, shall take place on or after the first Monday of April, A. D. 1861, when the terms of the present incumbents shall expire."

A. W. TALIAFERRO.

Report accepted, and, with bill, placed on file.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

FRIDAY, March 26, 1853.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

On motion of Mr. Pacheco, leave of absence was granted Mr. Thom for two days.

Mr. Melony presented Comptroller's warrant No. 1098, for \$125, of H. C. Patrick & Co., which was referred to the Committee on Claims.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 243, an act to audit the claims of James Sudley :

Also, Senate bill No. 188, an act making appropriations to meet deficiencies heretofore made, from January first, 1857, to July first, 1858 ;

Also, Senate bill No. 253, an act to audit certain claims ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

The Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT:—Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 254, an act to authorize the board of supervisors of the several counties of this state, to grant the right to construct wharves on the overflowed and submerged lands of this state, have had the same under consideration, and report as follows :

The only material object for the passage of this bill, in the opinion of your committee, is to prevent the frequent application to the Legislature for privileges to build wharves. Whilst we would favor any bill which would supersede the necessity for this character of special legislation in future, could it be consistently vested in any other tribunal, your committee doubt the propriety of the state delegating her power to convey real estate to her belonging, and granting franchises in connection therewith.

Although, by a refusal to pass this bill, applications in future may be continually made to the Legislature for the franchises by this bill proposed to be granted in future by the boards of supervisors of the different counties of this state, yet your committee believe that the best interest of the state will be subserved by a retention of this power in the Legislature alone.

Your committee therefore recommend the indefinite postponement of the bill.

BURCH, Chairman.

ANDERSON,
CARPENTER, } Majority.
MERRITT,

Report accepted, and, with bill, placed on file.

Mr. Johnson of Sacramento, of the committee, made the following minority report :

MR. PRESIDENT:—The undersigned, one of your Committee on Swamp and Overflowed Lands, is constrained to dissent from the report of the majority of the committee in relation to Assembly bill No. 254, an act to authorize the boards of supervisors of the several counties of the state to grant the right to construct wharves on the overflowed and submerged

lands of this state. The bill proposes to vest the authority to build wharves in the boards of supervisors of the several counties, who certainly would be better qualified to judge of the necessity and wants in relation to wharves in their several counties, than members of the Legislature, elected from the various portions of the state. The passage of the bill would relieve the Legislature from the necessity of much special legislation. Its provisions are well arranged, and calculated to facilitate the commerce and business of the state, and, in the opinion of the undersigned, ought to pass without amendment.

JOSIAH JOHNSON, of the Committee.

Mr. Merritt made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 204, an act to provide for the erection of a jail in the county of Tulare, has had the same under consideration, and begs leave to report the same back to the Senate, and recommend its passage, without amendment.

All of which is respectfully submitted.

MERRITT, Senator Sixth District.

Report accepted.

On motion of Mr. Merritt, the rules were suspended, bill read a third time, and passed.

Mr. Merritt made the following report :

MR. PRESIDENT :—The committee of conference on the disagreeing votes of Senate and Assembly, on Assembly amendments to Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state, have had the same under consideration, and beg leave to make the following recommendations :

First—That the Assembly recede from their amendment to section one, line seventh, striking out "fifty," and inserting "twenty-five."

Second—That the Senate concur in all the other amendments of the Assembly.

All of which is respectfully submitted.

S. A. MERRITT,

Chairman of Senate Committee.

N. H. DAVIS,

Chairman of Assembly Committee

On motion of Mr. Merritt, the report was adopted.

Mr. Melony made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 353, entitled an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county, have had the same under consideration, and respectfully report the same to the Senate, and recommend the passage of the same, without amendment.

MELONY.

Report accepted, and, on motion of Mr. Melony, the rules were suspended, bill read a third time, and passed.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 197, an act recommending to the electors to vote for or against calling a convention to revise and change the constitution of the state;

Also, Senate bill No. 252, an act to audit the claim of John Dall;

Also, Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons;

And find the same correctly engrossed.

WM. T. LEWIS, of the Committee.

Report accepted, and, with bills, placed on file.

Mr. Dickinson reported back, verbally, Assembly bill No. 65, an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries, with an amendment, and recommend the passage of the bill, as amended.

Report accepted, and, with bill, placed on file.

Mr. Garter made the following report:

MR. PRESIDENT:—The delegation from Shasta, to whom was referred Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta, report the same back, and recommend its passage.

E. GARTER, Senator from Shasta.

Report accepted.

On motion of Mr. Garter, the rules were suspended, bill read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 26, 1858. }

To the Senate of California:

I have, this day, approved an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850.

JOHN B. WELLER.

Mr. Sullivan introduced a bill for an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1, 1851.

Read first and second times, and referred to the delegation from San Francisco.

Mr. Anderson introduced a bill proposing amendments to the constitution of the state of California.

Read first and second times, ordered printed, and referred to the Judiciary Committee.

Mr. Soule made the following report:

MR. PRESIDENT:—The special committee, consisting of the San Francisco and San Mateo delegation, to whom was referred Senate bill No. 3, an act to repeal an act entitled an act to amend "an act to regulate fees in office, approved April 10, 1855," approved April 5, 1856, and to revive the act thereby repealed, have considered the same, and have unanimously instructed me to report the same back, and recommend its passage.

S. SOULE, of the Delegation.

On motion of Mr. Soule, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 294, an act concerning official bonds of justices of the peace and constables of the counties of this state ;

Also, to Assembly bill No. 198, an act to separate the office of tax collector from the offices of sheriff and assessor, in the county of Shasta ;

Also, to Assembly bill No. 299, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857 ;

Also, passed Senate bill No. 70, an act to audit certain claims ;

Also, Senate bill No. 165, an act for the relief of James D. Potter ;

Also, Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature.

Also, Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March twentieth, 1850 ;

Also, Assembly bill No. 268, an act relative to the board of supervisors of San Diego county ;

Also, Assembly bill No. 385, an act concerning artesian wells in Santa Clara county.

J. W. SCOBEEY, Clerk.

MARCH 26, 1858.

Assembly bill No. 243 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 268 was read first and second times, and referred to the delegation from San Diego.

Assembly bill No. 385 was read first and second times, and referred to the senator from Santa Clara.

Mr. Ferguson of Sierra asked leave to withdraw the papers of William J. Ford, which was granted.

Mr. Taliaferro asked leave to withdraw the papers of J. F. Connor, which was granted.

Mr. Grant offered the following resolution, which was adopted :

Resolved, That the Committee on Commerce and Navigation be instructed to report upon Senate bill No. 175, a bill for an act to provide for the construction of a bulk-head in the city and county of San Francisco ;

And, also, upon Senate bill No. 44, an act in relation to a sea-wall or bulk-head in the city or county of San Francisco, on or before Monday, the 29th day of March, instant.

MARCH 26, 1858.

GENERAL FILE.

Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851, was recommitted to the Engrossing Committee.

Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons, was read a third time, and passed.

House bill No. 147, an act recommending to the citizens to vote for or against calling a convention to revise and change the constitution of the State, was laid on the table.

The action of Mr. Johnson of H. Senate, Assembly bill No. 146, an act to amend an act concerning the office of public administrator in the counties of Oregon, Pennsylvania, Kentucky, and Indiana, approved April 5, 1861, was taken from the table, and passed on the opposite.

House bill No. 148, an act to revise the charters of some cities was read a third time, and passed.

The action of Mr. Hamilton, House bill No. 28 an act concerning roads and highways, was taken up, and with the special notice of the day the Monday, March 26 at twelve o'clock.

GENERAL ORDER OF THE DAY

House bill No. 146, an act regarding the same, was in force relating to the office, and concerning the organization, constitution, and discipline of the militia of the State, has been up, and having been considered in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Mr. Davis moved to transfer amendments made in Committee of the whole passed.

Carried.

The question being on adopting the amendments in writing they made in Committee of the Whole, Mr. Davis moved a vote of the Yeas.

Yea.

The yeas and nays were demanded by Messrs. Carpenter, Johnson, and Davis, and taken with the following result: Yeas, 18—nays, 16.

Yeas—Messrs. Allen, Bandy, Booth, Hall, Chase, Collins, Cook, Smith, Ferguson, of Buchanan, Gresham, Hamilton, Griffith, Hays, Hunt, Johnson, of Buchanan, Moore, Perkins, Williams, and Vandoren—18.

Nays—Messrs. Johnson, Davis, Davis, Carpenter, Ferguson, of Warren, Johnson of H. Senate, Wiley, Phelps, Rogers, and Smith—16.

On the amendments were adopted.

The further amendments made in Committee of the Whole were then adopted.

Mr. Johnson of H. Senate, moved to strike out section five of the bill and insert the following:

Section five. There shall be except in case of rebellion, or invasion, or time of war, no officer who shall have the rank and distinction of Major or Captain General, Quartermaster General, and Inspector General; and no term of office shall be less than one year, he shall be appointed by the Governor, which appointment shall be subject to the confirmation of the Senate, the salary of said officer shall be not less than six hundred per annum, which shall include an expense of his office, except when acting under orders from the Governor, as Inspector General.

Upon the adoption of which the yeas and nays were taken by Messrs. Carpenter, Johnson of H. Senate, and Anderson, and taken with the following result: Yeas, 15—nays, 15.

AYES—Messrs. Anderson, Allen, Baker, Burton, Carpenter, Dickinson, Ferguson of Sierra, Hart, Holden, Johnson of El Dorado, Merritt, Melony, Phelps, Rogers, Soule, and Mr. President—16.

NOES—Messrs. Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Gregory, Griffith, Johnson of Sacramento, Ketchum, Lewis, Pacheco, and Taliaferro—15.

There being a tie vote, the president voted in the affirmative.

So the substitute was adopted.

Mr. Burch moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Johnson of El Dorado, Baker, and Burton, and taken, with the following result: Ayes, 14—noes, 18:

AYES—Messrs. Berry, Burch, Bell, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Hamm, Johnson of Sacramento, Lewis, Pacheco, Soule, and Taliaferro—14.

NOES—Messrs. Anderson, Allen, Baker, Burton, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Griffith, Hart, Holden, Johnson of El Dorado, Ketchum, Melony, Phelps, Rogers, and Sullivan—18.

So the motion was lost.

The bill was then ordered engrossed, to be read a third time.

FURTHER SPECIAL ORDER.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges, was taken up.

Pending which—

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

CONSIDERATION OF SENATE BILL NO. 143 RESUMED.

Mr. Griffith moved that the rules be suspended, bill considered engrossed, and read a third time.

Mr. Carpenter in the chair.

After discussion, Mr. Burton in the chair.

Mr. Burch offered the following amendment to section three, which was adopted:

Add to section three: "*Provided always*, that the title to the land in this section named and described, shall not pass to or vest in said company until the Surveyor General of this state shall have filed in the office of Comptroller of State his official certificate, showing that the whole of said lands have been fully, completely, and permanently, reclaimed from over-

flow by said company, and that he knows such fact from actual survey and observation; *And provided, also*, that said company shall under no circumstances acquire, or have any right in or to any lands in the possession of an actual settler thereon, at the time of the passage of this act, unless by purchase from such settler."

President in the chair.

Mr. Holden moved to strike out section three of the bill.

The ayes and noes were demanded by Messrs. Holden, Baker, and Pacheco, and taken, with the following result: Ayes, 15—noes, 13:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Pacheco, and Rogers—15.

NOES—Messrs. Allen, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Melony, Mesick, Soule, and Taliaferro—13.

So the motion was carried.

Mr. Holden moved to strike out all after the word "river," in section four, down to the word "within," in the seventh line.

Carried.

Mr. Holden moved to strike out the proviso to section four.

Carried.

The question being on ordering the bill engrossed, to be read a third time, the ayes and noes were demanded by Messrs. Gregory, Lewis, and Griffith, and taken, with the following result: Ayes, 25—noes, 4:

AYES—Messrs. Allen, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Ketchum, Lewis, Merritt, Melony, Mesick, Pacheco, Phelps, Rogers, Soule, and Taliaferro—25.

NOES—Messrs. Baker, Ferguson of Sacramento, Gregory, Johnson of Sacramento—4.

So the bill was ordered engrossed, to be read a third time.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly on yesterday, passed Assembly bill No. 375, an act conferring certain powers upon guardians of insane persons;

Also, have, this day, adopted the report of the committee of conference on Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of titles to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state.

J. W. SCOBEEY, Clerk.

MARCH 26, 1858.

Assembly bill No. 375 was read first and second times.

Mr. Soule moved to suspend the rules, and consider the bill now.

Mr. Gregory moved to refer the bill to the Judiciary Committee, which was lost.

Mr. Anderson moved to lay on the table, which was lost, and the bill ordered to lay over, under the rule.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 26, 1858. }

MR. PRESIDENT :—The Assembly have, this day, passed Assembly bill No. 391, an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, 1857;

Also, Assembly bill No. 342, an act to grant H. M. Stone the right of way across the Sacramento River.

J. W. SCOBEEY, Clerk.

Assembly bill No. 342 was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 391 was read first and second times, and referred to the senator from Humboldt.

FURTHER SPECIAL ORDER.

Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken up, and substitute adopted, and bill considered as in Committee of the Whole, and amended.

IN SENATE.

Amendments adopted.

Mr. Burch offered the following amendment :

“Nothing in this act shall be so construed as to apply to the public lands in this state, or any lands other than such as are held in fee simple by individual proprietors, which was lost.”

Mr. Carpenter moved to adjourn, which was lost.

The bill was then ordered engrossed, to be read a third time.

FURTHER SPECIAL ORDER.

Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857, was, on motion of Mr. Holden, made the special order for to-morrow, Saturday, March 27, at twelve o'clock.

Senate bill No. 205, an act supplementary to the act entitled an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1858, and the several acts amendatory thereto, was taken up, and, on motion of Mr. Holden, was made the special order of the day for to-morrow, Saturday, March 27th, at twelve o'clock.

On motion of Mr. Burton, Senate bill No. 188, an act making appropriations to meet deficiencies heretofore made, from January 1st to July, was taken from file.

Bill read a third time, and passed.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom were referred the

claim of John C. Gordon, for services as superintendent of state prison in 1857;

And the claim of Wm. B. Ewer, for papers furnished Senate and Assembly in 1855;

And the claim of James Allen, for furnishing Senate with copies of Daily Tribune, and advertising Governor's proclamations in 1856;

And the claim of John Nugent, for publishing proclamations in 1856, in San Francisco Herald;

And the claim of H. C. Patrick & Co., for Comptroller's warrant, issued December 12, 1856, No. 1098, for contingent expenses of state capitol commissioners in 1856;

And the claim of James Anthony & Co., for Comptroller's warrant, issued December 12, 1856, No. 426, for contingent expenses of state capitol commissioners in 1856;

Have directed me to report the same back, with accompanying bills, and recommend their passage.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

On motion of Mr. Bell, Assembly bill No. 375, an act conferring certain powers upon guardians of insane persons, was taken from the calendar, rules suspended, bill read a third time, and passed.

Mr. Chase, by leave, introduced a bill for an act to protect certain property of the state.

Read first and second times, and referred to the Committee on Public Lands.

On motion of Mr. Pacheco, Senate bill No. 45, an act to change and fix the amount of the official bonds of certain officers in the county of San Luis Obispo, returned from the Governor on account of clerical error, was taken from the table.

Mr. Pacheco then offered the following resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Enrolling Committee be and they are hereby authorized to correct or strike out, from Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo, from the eighth line, the word "sureties," after the words "one or more," on the same line.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

SATURDAY, March 27, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom were referred the claim of John Sime, for Comptroller's warrants Nos. 713 and 714, issued December 28, 1855, for supplies furnished state prison in 1855, and the claim of G. W. Ryckman, for supplies furnished the state prison in the months of November and December, 1855, have directed me to report the same back, and recommend their passage.

E. F. BURTON, Chairman.

Report accepted, and placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 235, an act to amend an act entitled an act to regulate the settlements of the estates of deceased persons, passed May 1, 1851, have considered the same, and recommend its passage, without amendment.

Also, the claim of Paul Shirley, late sheriff of Solano county, for relief from a judgment rendered in the United States Circuit Court for the district of California, against said Paul Shirley, and in favor of the Pacific Mail Steamship Company, for the sum of \$13,316 73; being the amount of state and county tax paid by said company to said Shirley, as tax collector for the year A. D. 1852, together with interest, and cost of suit.

The committee report, that on the 18th day of February, A. D. 1853, the Pacific Mail Steamship Company paid to said Shirley, as tax collector, the sum of \$8,969 18, under protest, on account of state and county taxes, for the year A. D. 1852, which amount was by him immediately paid into the state and county treasury, respectively; that afterwards, to wit, on the 24th day of February, A. D. 1858, the Pacific Mail Steamship Company recovered judgment in the United States Circuit Court for the district of California, against said Shirley, for the sum of \$8,969 18, together with interest thereon, from the 18th day of April, 1853, until the 24th of February, A. D. 1858; being, in all, the sum of \$13,316 73, together with —, costs of the action.

Your committee are of the opinion, that the state should assume the amount of state tax so paid, together with interest thereon, being the sum of \$4,817 94, together with the cost of the action, and accordingly report herewith a bill providing therefor, and recommend its passage.

Also, Senate bill No. 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19, 1853, and recommend its passage.

Also, Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, and recommend its passage, with amendments:

Amend by striking out section six, and by adding a new section—

Section six—Nothing in this act contained, shall apply to the police judge's court in the city and county of San Francisco, save the provisions of section one of this act.

Also, Assembly bill No. 148, an act to amend an act entitled an act to

re-organize and establish the county of San Mateo, approved April 18, 1857, and have adopted a substitute, and recommend the passage of the substitute ;

Also, certain claims of Frank Hereford and James L. English, against the state, and report a bill for the payment of the same, and recommend its passage.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Anderson, chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations have had under consideration Senate bill No. 246, an act supplementary to and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplemental thereto, and herewith return the same, unanimously recommending the passage of the same.

By direction of the committee.

JAMES ANDERSON, Chairman.

Report accepted, and placed on file.

Mr. Lewis, chairman of the Engrossing Committee, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justices of this state, approved April 29, 1851, and find that the bill was correctly engrossed the first time, and have not altered it.

W. T. LEWIS, Chairman.

Report accepted.

Mr. Bell made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred an act organizing the university of the state of California, under the name of "The Regents of the State University of the State of California," have had the same under consideration, and beg leave most respectfully to report the same back, with amendments, and recommend its passage, when amended :

Amend line first of section first, by inserting, after the word state, these words, viz. : "consisting of the incorporated, or hereafter incorporated, colleges within this state."

Second amendment—Strike out the last section of the bill.

BELL, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro made the following report :

MR. PRESIDENT :—Your special committee of one, the delegate from Marin, to whom was referred Senate bill No. 256, an act to fix the salary of the district attorney of Santa Clara county, beg leave respectfully to report that, in the investigation of this subject, we have been in the pursuit of knowledge under great difficulties. We don't know any body in Santa Clara, and we don't know any thing about Santa Clara ; but we have

learned from hearsay that that county is a very large, prosperous, and populous one, peculiarly endowed with *all* the good gifts of a benificent Providence, and eminently able to pay well for legal services. We further learn that the present incumbent of this office, (the district attorney,) only gets three hundred dollars per annum. Kindness of heart has always been our weakness, and we deeply sympathize with our distinguished fellow-sufferer. If we had it in our power, we would freely give him two thousand dollars a year; but as this bill limits it to only six hundred, we say, "So mote it be;" and trust to the magnanimity of a future Legislature to give him more. We therefore cheerfully recommend the passage of this bill.

A. W. TALIAFERRO.

Report accepted, and, with bill, placed on file.

Mr. Ferguson of Sierra made the following report :

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 373, an act to repeal in part an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856, have considered the same, and report the bill back to the Senate, and recommend its passage.

W. T. FERGUSON, of Committee.

Report accepted, and, with bill, placed on file.

Mr. Melony, chairman of special committee, made the following report ;

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 183, entitled an act for the preventing of the taking of trout fish during certain months of the year, have had the same under consideration, and respectfully report the same back to the Senate, with a substitute, and recommend the adoption and passage of the substitute.

MELONY, Chairman of Committee.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties ;

Also, Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Berry made the following report :

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 369, an act to extend the time for making the assessment and the collection of taxes in the county of Siskiyou, begs leave to report the same back, with an amendment, and to recommend its passage as amended ;

Amend on the second folio, by striking out the word "year," and inserting the word "week" in the twelfth line.

J. BERRY.

Report accepted, and with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Meritt, by leave, introduced a bill for an act defining the legal distance from each county seat to the capitol, lunatic asylum, and state prison.

Read first and second times, and placed at foot of calendar.

Mr. Merritt, by leave, introduced a bill for an act amendatory of an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1851.

Read first and second times, and placed at foot of calendar.

Mr. Ketchum, by leave, introduced a bill for an act concerning bridges.

Read first and second times, ordered printed, and referred to the Committee on Roads and Highways.

GENERAL FILE.

Senate bill No. 263, an act to audit the claim of James Smiley, was read a third time, and passed.

Senate bill No. 253, an act to audit certain claims, was read third time, and passed.

Senate bill No. 226 was read a third time.

Mr. Burton moved to recommit, with instructions to strike out, in section three, all after the word "prescribed."

Upon which, the ayes and noes were demanded by Messrs. Merritt, Anderson, and Berry, and taken, with the following result: Ayes, 15—noes, 9:

AYES—Messrs. Anderson, Baker, Carpenter, Chase, Coulter, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Merritt, Pacheco, Rogers, Soule, Sullivan, and Taliaferro—15.

NOES—Messrs. Berry, Burch, Dickinson, Garter, Goodwin, Ketchum, Melony, Mesick, and Phelps—9.

So the motion was carried.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 27, 1858. }

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes;

Also, Assembly bill No. 352, an act concerning the office of county judge of San Joaquin county;

Also, Assembly bill No. 387, an act to fix the compensation of the board of supervisors of San Joaquin county.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 233 was read first and second times, and referred to the senator from San Joaquin.

Assembly bill No. 352 was read first and second times, and, on motion of Mr. Melony, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 387 was read first and second times, and referred to the Senator from San Joaquin.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
March 27, 1858. }

MR. PRESIDENT:—I have been directed to inform the Senate that the Assembly have, to-day, adopted Assembly concurrent resolution relative to the removal of the seat of government of this state to the city of Oakland, and have appointed, to compose the visiting committee on part of the House, Messrs. Aud, Harris, and Tuttle.

J. NORMAN BINGAY, Assistant Clerk.

Assembly concurrent resolution No. 22—Mr. Taliaferro moved its reference to the Committee on Swamp and Overflowed Lands.

Mr. Bell moved the adoption of the resolution, upon which, the ayes and noes were demanded by Messrs. Taliaferro, Pacheco, and Carpenter, and taken, with the following result: Ayes, 18—noes, 11:

AYES—Messrs. Anderson, Baker, Berry, Bell, Coulter, Garter, Goodwin, Grant, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Melony, Mesick, Phelps, Rogers, and Sullivan—18.

NOES—Messrs. Burch, Burton, Carpenter, Dickinson, Griffith, Johnson of El Dorado, Lewis, Merritt, Pacheco, Soule, and Taliaferro—11.

So the resolution was adopted.

Mr. Carpenter gave notice that, on Monday, he would move for a reconsideration of the vote just taken.

Mr. Griffith reported back, verbally, Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa and provide for the payment of the same, approved February 13, 1857, recommending its passage.

Report accepted, and bill placed on file.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
March 27, 1858. }

MR. PRESIDENT:—The Assembly, to-day, passed Senate bill No. 188, an act making appropriations for deficiencies in appropriations heretofore made, from January 1, 1857, to July 1, 1858.

J. NORMAN BINGAY, Assistant Clerk.

SPECIAL ORDER OF THE DAY.

Senate concurrent resolutions relative to the admission of Kansas, was taken up, and, on motion of Mr. Burch, laid on the table.

FURTHER SPECIAL ORDER.

Senate bill No. 205, an act supplementary to the act entitled an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, and the several acts amendatory thereof, was taken up, and indefinitely postponed.

Mr. Carpenter, by leave, withdrew his notice of reconsideration of the

vote by which the senate adopted Assembly concurrent resolution No. 22, relative to the removal of the seat of government, and had leave to record his vote in the negative.

The chair announced as the committee on the part of the Senate to visit Oakland, in connection with the House committee, Messrs. Rogers and Merritt.

FURTHER SPECIAL ORDER.

Assembly bill No. 9, an act to repeal, in part, an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, approved April 28, 1857, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

The question being on the third reading of the bill, the ayes and noes were demanded by Messrs. Baker, Anderson and Grant, and taken, with the following result: Ayes, 9—noes, 15:

AYES—Messrs. Allen, Baker, Berry, Burch, Chase, Coulter, Hart, Phelps, and Taliaferro—9.

NOES—Messrs. Anderson, Burton, Carpenter, Dickinson, Grant, Griffith, Hamm, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Pacheco, Rogers, Soule, and Sullivan—15.

So the Senate refused to read the bill a third time.

Mr. Grant gave notice that he would move for a reconsideration of the vote just taken.

Mr. Anderson, by leave, introduced a bill for an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850, which was read first and second times, and referred to the Judiciary Committee.

Mr. Soule, of the Committee, made the following report:

MR. PRESIDENT:—The special committee, consisting of the delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 252, have considered the same, and recommend the adoption of the accompanying amendments, after which they recommend its passage.

S. SOULE, for the Committee.

MARCH 27, 1858.

Report accepted, and, with bill, placed on file.

Mr. Sullivan made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 265, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851, have had the same under consideration, and respectfully recommend its passage, as amended.

SULLIVAN, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. Rogers made the following report :

MR. PRESIDENT :—The delegation from Tuolumne, to whom was referred Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge, in the county of Tuolumne, approved April 16, 1855, report the same back, with an amendment, and recommend the passage of the bill, as amended.

ROGERS, of the Delegation.

Report accepted, and, on motion of Mr. Holden, the rules were suspended, amendments adopted, bill read third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 25th inst., passed Assembly bill No. 277, an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 277 was taken up, read first and second times, and referred to the delegation from Fresno.

On motion of Mr. Johnson of Sacramento, Mr. Ferguson of Sacramento was granted leave of absence for one day, on account of sickness.

GENERAL FILE RESUMED.

Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte, was, on motion of Mr. Allen laid on the table.

Senate bill No. 157, an act to amend an act entitled act to establish an asylum for the insane of the state of California, passed May 17, 1853, was taken up.

The question being on the adoption of the report of the committee, offering substitute for section three. the ayes and noes were demanded by Messrs. Soule, Carpenter, and Phelps.

Mr. Burch moved a call of the Senate.

Lost.

Question on adopting report of committee, the ayes and noes having been demanded, the roll was called, with the following result : Ayes, 17—noes, 9 :

AYES—MESSRS. Allen, Berry, Bell, Coulter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Melony, Rogers, and Taliaferro—17.

NOES—MESSRS. Anderson, Baker, Burch, Burton, Dickinson, Garter, Ketchum, Phelps, and Soule—9.

So the amendment was adopted.

On motion of Mr. Griffith, the consideration of the bill as in Committee of the Whole was dispensed with.

Mr. Griffith moved to suspend the rules, and consider the bill engrossed, and to be read a third time.

The ayes and noes were demanded by Messrs. Dickinson, Burton, and Carpenter, and taken, with the following result : Ayes, 21—noes, 7 :

AYES—Messrs. Allen, Berry, Bell, Coulter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Sullivan, and Taliaferro—21.

NOES—Messrs. Anderson, Baker, Burch, Burton, Dickinson, Garter, and Soule—7.

So the motion was carried.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Burton, Dickinson, and Garter, and taken, with the following result: Ayes, 18—noes, 8:

AYES—Messrs. Allen, Berry, Bell, Coulter, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Melony, Phelps, Rogers, Sullivan, and Taliaferro—18.

NOES—Messrs. Anderson, Baker, Burch, Burton, Dickinson, Garter, Ketchum, and Soule—8.

EXCUSED—Mr. Pacheco was excused from voting.

So the bill was passed.

Mr. Lewis, chairman of Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 262, an act to audit the claim of D. H. Carpenter;

Also, Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Lewis moved to adjourn.

The ayes and noes were demanded by Messrs. Rogers, Burton, and Merritt, and taken, with the following result: Ayes, 13—noes, 18:

AYES—Messrs. Anderson, Berry, Burch, Bell, Garter, Goodwin, Gregory, Hamm, Holden, Johnson of El Dorado, Ketchum, Melony, and Pacheco—13.

NOES—Messrs. Allen, Baker, Burton, Carpenter, Coulter, Dickinson, Grant, Griffith, Hart, Johnson of Sacramento, Lewis, Merritt, Mesick, Phelps, Rogers, Soule, Sullivan, and Taliaferro—18.

So the Senate refused to adjourn.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 188, entitled an act making appropriations for deficiencies in appropriations heretofore made, from January 1, 1857, to January 1, 1858, and find the same correctly enrolled.

GEO. H. ROGERS, of the Committee.

MARCH 27, 1858.

Report accepted.

On motion of Mr. Griffith, Senate bill No. 273, an act for the relief of

Paul Shirley, late sheriff of Solano county, was taken from the file, and made the special order of the day for Monday, March 29, at twelve o'clock.

On motion of Mr. Griffith, Senate bill No. 235, an act to amend an act entitled an act to regulate the settlements of the estates of deceased persons, passed May 1, 1851, was taken from the calendar, and made the special order of the day for Monday, March 29, at one o'clock.

On motion of Mr. Gregory, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

MONDAY, March 29, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Mr. Johnson of El Dorado asked leave of absence for Mr. Carpenter, for one day, which was granted.

Mr. Burch asked leave of absence for Mr. Garter, for one day, on account of sickness, which was granted.

Journals of Saturday read and approved.

Mr. Taliaferro presented the petition of grocers and liquor dealers of San Francisco, praying for a modification of the revenue law.

Which was referred to the Committee on Finance.

Mr. Johnson of El Dorado, reported verbally upon Senate bill No. 275, an act directing the Governor of this state, to deliver, on behalf of the state, certain stands of arms to certain persons herein named, with substitute, recommending the passage of the substitute.

Report accepted, and, with bill and substitute, placed on file.

REPORTS.

Mr. Taliaferro made the following report :

MR. PRESIDENT:—The Committee on Hospitals, to whom was referred the petition of Michael Fennel, contractor, for building the northern wing of the state insane asylum, at Stockton, report that they have considered the same, and have examined the said Fennel, as well as some of the trustees of said asylum, together with other testimony relative to the claim of Mr. Fennel, and have ascertained the following facts, which they report for the consideration of the Senate :

On the second of August, A. D. 1856, Mr. Fennel entered into a contract with the board of trustees of the state insane asylum for the erection of the northern wing of the asylum buildings. By the terms of the contract Mr. Fennel was to receive the sum of \$41,000 for the erection of the wing and other improvements; one-third payable at the completion of one-third of the building, one-third when two-thirds were completed, and the remaining one-third at its final completion; all to be payable in State Comptroller's warrants.

That he entered upon the discharge of his contract immediately there-

after, and upon the 13th day of September, 1856, received Comptroller's warrants for the sum of \$9,333 32, on account thereof.

And, upon the 15th of October, 1856, received Comptroller's warrants for \$11,666 66, on account of said contract. That, shortly after receiving the last mentioned payment, the Supreme Court of this state rendered their decision declaring the state debt unconstitutional; that, at the time said decision was rendered, said Fennel had the warrants for said sum of \$11,666 66, hypothecated to secure the payment of the sum of \$6,000, which he had borrowed for the purpose of carrying on the construction of said building; that, in consequence of such decision and the consequent depreciation of Comptroller's warrants, he was compelled to sacrifice the entire of said sum of \$11,666 66, to liquidate the debt of \$6,000.

That he received no further payment on account of said contract, on account of said decision, and for the further reason that the Legislature passed an act prohibiting the issuance of warrants, unless the money should be in the treasury to pay the same, until the 9th of March, 1857,

When he received,	-	-	-	-	-	-	-	-	-	\$5,638
Upon the 28th April, 1857,	-	-	-	-	-	-	-	-	-	5,000
Upon the 12th May, 1857,	-	-	-	-	-	-	-	-	-	4,367
Upon the 6th June, 1857,	-	-	-	-	-	-	-	-	-	4,000

All of which last payments were made long after they became due, from the fact that the contract was completed on the last of February, 1857.

Your committee are satisfied that by this breach of contract on the part of the state, Mr. Fennel has been greatly injured, both by loss of money and consequent loss of credit. The actual loss sustained by him in this manner it would be impossible to estimate, he having been deprived of the means with which to meet his liabilities as he progressed, by the failure of the state to comply with its agreement, though by no fault of his, he having, in despite of the failure of the state, fully completed the contract on his part.

Your committee are satisfied that the direct actual loss, in money, was equal to the sum of six thousand dollars, wherefore, your committee recommend to amend Senate bill No. 278, an act for the relief of Michael Fennel, by striking out the word "ten," where it appears in the first and second sections of the bill, and insert "six," in lieu thereof, and that the bill then pass, as amended.

A. W. TALIAFERRO, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry introduced a bill for an act granting to Franklin A. Rogers leave of absence from this state.

Read first and second times, and, on motion of Mr. Berry, the rules were further suspended, bill considered engrossed, read third time, and passed.

Mr. Melony, by leave, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 233, entitled an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes, have had the same under consideration, and respectfully report the same back, without amendment, and recommend its passage.

MELONY.

Report accepted, and, with bill, placed on file.

Mr. Anderson introduced a bill for an act to amend an act entitled an act to provide for the appointment and prescribe the duties of guardians, approved April 19, 1850.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Taliaferro, Senate bill No. 167, an act to amend the act of April 9, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum, was taken from the table, and placed at foot of calendar.

Mr. Thom offered the following concurrent resolution :

Whereas, The Hon. Justin S. Morrill of Vermont has introduced into the House of Representatives of the United States, a bill for the endowment and maintenance of a college in each state and territory, by donating a portion of the public lands—which colleges to be dedicated and devoted to instructions in such branches of education as pertain to agriculture, mechanical arts, and natural history. Therefore, be it

Resolved, By the Senate, the Assembly concurring, that our senators be instructed, and our representatives in Congress requested, to use all the exertion necessary to the passing of the afore-mentioned bill into a law. And be it further

Resolved, That his Excellency, the Governor, be requested to forward to our senators and representatives, each, a copy of these resolutions.

On motion of Mr. Thom, the resolutions were referred to the Committee on Agriculture.

GENERAL FILE.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, was taken up, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Soule, and Hart, and taken, with the following result : Ayes, 15—noes, 11 :

AYES—MESSRS. Allen, Baker, Berry, Burch, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Grant, Hart, Holden, Johnson of El Dorado, Mesick, Sullivan, and Taliaferro—15.

NOES—MESSRS. Anderson, Burton, Dickinson, Goodwin, Gregory, Hamm, Ketchum, Pacheco, Phelps, Soule, and Thom—11.

So the bill was passed.

Senate bill No. 262, an act to audit the claim of D. H. Carpenter, was read a third time, and passed.

Senate bill No. 228, an act to audit the claim of Samuel Warren, was ordered engrossed, and to be read a third time.

Senate bill No. 229, an act to audit the claim of J. Tyson—

Mr. Berry moved to amend by striking out the words "seven hundred and eighteen dollars and seventy cents," and inserting, "eleven hundred and fifty dollars."

Lost.

The bill was then ordered engrossed, and to be read a third time.

Assembly bill No. 209, an act to legalize certain statements in the form of affidavits made before the county recorders of this state, was read a third time.

The question being on the passage of the bill, a quorum being present, and a majority voting in the affirmative, the bill was passed.

Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice, passed May 19, 1853, was indefinitely postponed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 26, an act concerning roads and highways, was taken up.

Substitute adopted, and considered as in Committee of the Whole.

Pending which, the following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 29, 1858. }

To the Senate of California:

I have this day approved an act making appropriations for delinquencies in appropriations heretofore made from January 1, 1857, to July 1, 1858. Notwithstanding there is a clerical error in the title of this bill, I have not deemed it necessary to send it back for correction, as its meaning cannot be misunderstood. It will be seen, in the first line, that the word "delinquencies" is used, instead of "deficiencies." My only object in alluding to this mistake, is to secure, if possible, more accuracy hereafter in enrolling the bills passed by your honorable body.

I have also approved an act for the relief of Thos. R. Eldredge.

JOHN B. WELLER.

Consideration of Senate bill No. 26 resumed, as in Committee of the Whole.

On motion of Mr. Griffith, the further consideration of the bill was postponed until to-morrow, Tuesday, March 30, at twelve o'clock, M.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 29, 1858. }

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857;

Also, have amended and passed Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed fourteenth of April, 1853;

And an act entitled an act to amend an act entitled "an act to provide for the formation of corporations for certain purposes, passed April fourteenth, 1853," passed April thirtieth, 1855, and ask the concurrence of the Senate in the amendment made to the bill.

J. NORMAN BINGAY, Ass't Clerk.

Senate bill No. 23—amendments of Assembly concurred in.

Mr. Bell moved to take from the table Senate bill No. 60, an act for the better observance of the Sabbath.

Carried.

Mr. Johnson of El Dorado moved to make the bill the special order of the day for to-morrow, March 30, at 12 o'clock.

Mr. Griffith moved to make the bill the special order of the day for Saturday, April 3d, at 12 o'clock.

The question being on the motion of Mr. Johnson, was put, and carried.

Mr. Grant, according to notice, moved to reconsider the vote by which the Senate, on the 26th instant, refused to pass to its third reading Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857.

Upon which, the ayes and noes were demanded by Messrs. Anderson, Burton, and Burch, and taken, with the following result—Ayes, 16; noes, 9:

AYES—Messrs. Allen, Baker, Berry, Burch, Bell, Coulter, Dickinson, Grant, Gregory, Hamm, Hart, Holden, Pacheco, Phelps, Soule, and Sullivan—16.

NOES—Messrs. Anderson, Burton, Ferguson of Sierra, Griffith, Johnson of El Dorado, Ketchum, Melony, Mesick, and Taliaferro—9.

So the motion was carried.

Mr. Melony moved to make the bill the special order of the day for Tuesday, at 12 o'clock.

Mr. Griffith called for the special order of the day, Senate bill No. 273, which, on motion of Mr. Burch, was laid temporarily on the table.

The question recurring on Mr. Melony's motion, the ayes and noes were demanded by Messrs. Taliaferro, Johnson of El Dorado, and Gregory, and taken, with the following result—Ayes, 13—noes, 13:

AYES—Messrs. Anderson, Burton, Ferguson of Sierra, Grant, Gregory, Griffith, Johnson of El Dorado, Ketchum, Melony, Mesick, Pacheco, Taliaferro, and Thom—13.

NOES—Messrs. Allen, Baker, Berry, Burch, Bell, Coulter, Dickinson, Ferguson of Sacramento, Hart, Holden, Phelps, Soule, and Sullivan—13.

There being a tie vote, the president voted in the affirmative.

So the motion was carried.

Mr. Ferguson of Sacramento asked leave of absence for Mr. Johnson of Sacramento for one day.

Granted.

REPORT.

Mr. Ferguson, chairman of the Committee on Commerce and Navigation, by leave, made the following report:

MR. PRESIDENT:—The undersigned, of the Committee on Commerce and Navigation, having had under consideration various bills for the construction of a sea-wall or bulk-head in the front of the city of San Francisco, have to submit the following, as their views upon that subject:

First—Your committee have come to the conclusion that such a work is absolutely necessary, and that such necessity is immediate and urgent, from the fact which is apparent to all conversant with the subject, that along nearly the entire front of said city where, within four years, vessels of the largest class could lie at low tide with ease, there is not now an average depth of more than four to eight feet of water, and with that depth constantly decreasing every year. The causes of this shoaling

may be various, but the main cause would seem to be the constant filling in of the various water lots inside of the water-line, by the respective owners thereof, with no barrier or wall to prevent the earth or mud thereby displaced, from being forced out beyond the water-line and upon the ground set apart for the occupation of ships and other vessels, for the purpose of receiving and discharging their cargoes. In many instances the filling in of particular lots has been known to shoal the water for four hundred feet outside and seaward from the lots so filled in. Nearly all the business portion of the city, that is to say, that part known as the water lot property, seems to be built upon a plain, with an inclination from Montgomery street towards the centre of the bay; and the filling in of that property and the placing of heavy structures thereon, such as brick buildings, etc., has pressed the softer mud and lighter material outside the water-line, and upon the space set apart and dedicated to the use of vessels, to such a degree that the greater portion lying immediately upon the water-line is now rendered useless for vessels drawing over four to eight feet of water, and this, too, where, within five years immediately passed, the new British steamer *Leviathan* could have floated with ease. Most, and indeed nearly all, the property lying in the immediate neighborhood of the water-line, is unavailable, except for the temporary and dangerous structure of light wooden buildings, built upon piles. The piles last but a short time, owing to a worm found in the harbor, which is the most destructive agent yet known to timber in the water.

Your committee have learned that sometimes in the short space of six months, a pile is rendered entirely useless by the action of this worm boring through the pile in all its parts, and rendering it almost of the consistence of a sponge. Structures placed upon such a foundation are, of course, the most insecure, both to life and property that can be erected, and should not be allowed in a great commercial emporium. By the insecurity in the streets and the ways of approach to the water-line, many lives have been lost by persons falling through what are known as "man-traps," into the water, in this part of the city.

Again, the warehouse and the stores built of substantial material have to be built inland and away from the water-line, thereby increasing the expense of carting the goods from the ship to the warehouse, and again from the warehouse to the ship, when they are sent out for the consumer. Whereas, the primary object in commerce, is to have the ship in immediate proximity to the warehouse, thereby lessening the transportation charges upon the goods, and to that extent cheapening them to the consumer.

Second—The next question would seem to be, how shall the proposed work be done? All of the plans submitted to your committee, with one exception, contemplate a decided extension into the bay, of the water front of the city; in other words, changing the relations and rights of the property and property-owners in that neighborhood. It must be borne in mind by the Senate, that investments in property and improvements have already been made to the amount of many millions of dollars, in and about that locality, with a view to the convenience and proximity to the water-front over which all the trade of San Francisco has to pass, all her trade being by water, and none, comparatively, arriving or departing landwise; consequently the centre of trade is the water-line, and all parties are anxious to locate as near to it as possible.

The amount of private rights and equities that have grown up in this particular is enormous. And it is a well settled rule of law that parties purchasing lots fronting upon a levee, public square, or street, have a

vested right that the same shall be kept open for the use and benefit of such property. 6 Peters' U. S. Sup. Court Rep., p. 431.

Again, by the extension referred to, an injury almost beyond estimate, would be done to property-holders in this manner. The inclination or descent from Montgomery street towards the water-line or present point of discharge for the sewers, is now as small as it can be, and yet secure a flow to the drainings; and many of the streets so leading down to the water-line are built up on both sides with permanent brick and stone buildings, while the streets are paved and have brick sewers that would do credit to New York or London. Now, if the water-line be extended, the distance to the point of discharge of the sewers would be increased to the same extent—thus creating the absolute necessity of changing the grade and the whole plan or system of sewerage in that part of the city east of the plaza; and on the portions near Montgomery street, the streets would have to be filled up to near what is now the second story of the buildings. We presume no one familiar with the history of regrading streets and raising brick buildings up to the grade in San Francisco, for the last seven years, would wish to see such a charge placed again upon the property-holders.

Moreover, it will be recollected by the Senate, that this matter of "extension" is a question that has been acted upon, both by the people of San Francisco and the Legislature, long since, and we may suppose has been definitely settled by both, that neither wished any extension of a water-line of said city. At the session of the Legislature of one thousand eight hundred and fifty-three, a party of speculators were clamorous around the legislative halls for an extension, and the Legislature decided in the negative, and the representatives from San Francisco in the Assembly resigned, and went back to their constituents during the session, upon the question of extension or no extension; and anti-extension members were returned by a majority of more than four to one. Many other cogent reasons might be adduced against extension, but we deem those given sufficient to recommend that no bill be passed by which any private property will be created outside the present water-line.

Third—Having disposed of the question of the necessity of the work being commenced immediately, and of the line upon which it should be located, the next question seems to be who are the proper parties to whom the building of this great work should be entrusted?

Of the propositions submitted, but two propose to place the work upon the water-line. With all the others, a material element and source of means for building it, is a large extension seaward, and beyond the water-line; and such an extension we deem at variance with both public and private interests; of the other two, one is that the works shall be built and managed by the city of San Francisco, looking for means to the issuance and sale of bonds based upon the credit of the city. This would involve the municipality and the tax-payers in a liability of many millions of dollars in addition to the present large indebtedness of the city and county; and we do not think that it would be either prudent or profitable to the tax-payers to allow the city thus to involve herself. The only other proposition, that of building this work upon the water-line, and creating no new private property, is that of the "San Francisco Dock and Wharf Company." That company, and the parties under whom they hold, have been engaged in the business of wharfage and dockage upon this water-line for the last seven or eight years, and have created and developed nearly all the accommodations for commerce that now exist on the front of the city. They also propose to place all of their present in-

vestment in wharves and wharf property into the transaction, as an earnest and security for the performance of the terms of construction imposed. This investment, we are informed, has cost to them upwards of one million of dollars, and all this becomes, by the terms of the proposal, forfeited to the city, if said dock and wharf company fail to comply with the terms imposed. We think that this is the best security and earnest of the good faith of the parties that has been offered, or can be given, by any private parties; and for these reasons we recommend the passage of a law, with proper restrictions, granting the right to construct said work to said dock and wharf company. As to the state or general government embarking in such an enterprise, we regard it as out of the question.

Your committee, therefore, report back to the Senate the bills referred to them upon the subject of a bulk-head, and recommend the passage of Senate bill No. 44, "an act in relation to a sea-wall or bulk-head in the city and county of San Francisco." The blanks in section eleven of said bill your committee leave to be filled by the Senate. They also recommend that the time fixed by section four for the completion of the first section of the work, be reduced from ten to six years.

And your committee further recommend the indefinite postponement of Senate bill No. 175, upon the same subject.

W. I. FERGUSON, Chairman,
GILBERT A. GRANT,
A. R. MELONY,
R. S. MESICK.

On motion of Mr. Sullivan, the usual number of copies of the report and Senate bill No. 44, were ordered printed.

FURTHER SPECIAL ORDER.

On motion of Mr. Griffith, Senate bill No. 273, an act for the relief of Paul Shirley, late sheriff of Solano county, was taken from the table.

On motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

FURTHER SPECIAL ORDER.

Assembly bill No. 235, an act to amend an act entitled an act to regulate the settlements of the estates of deceased persons, passed May 1, 1851, was read a third time, and passed.

GENERAL FILE RESUMED.

Senate bill No. 213, an act to amend an act entitled an act to regulate fees in office, approved April 10, 1855, was indefinitely postponed.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, March 30, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

COMMUNICATIONS.

The following communication was received from Senator Mesick :

To the Lieutenant Governor and President of the Senate of the State of California :

I hereby respectfully resign my office as senator from the county of Yuba, in the fifteenth senatorial district.

R. S. MESICK.

MARCH 30, 1858.

Mr. Ferguson of Sacramento presented the following memorial of H. R. Leonard :

To the Honorable the Senate and House of Assembly, now convened at Sacramento City, in the State of California :

I have seen a new state prison bill, which will be introduced for its adoption, as I suppose. Whether it should or should not be adopted, I wish to make the state a brief proposition for the convict labor for the term of ten years, on the following terms, to wit :

First—I propose to receive the labor of the convicts at the state prison for ten years from the date of contract, and the exclusive right of using their labor any distance not exceeding two hundred and fifty miles from the state prison.

Second—The state shall feed and clothe the prisoners inside and outside of said prison for ten years, and the state to have at all times a sufficient number of guards inside of the prison wall to guard and protect them properly ; and further, the state shall furnish good and substantial food for the prisoners—say, sufficient for common free laborers and mechanics.

Third—And further, the state shall pass into my hands all the property and effects properly belonging to the prison—say, lands, tools, teams, and all implements whatsoever, belonging to the state prison.

Fourth—In consideration of the above, the state furnishing the lands to build upon, I will bind myself to build the state capitol according to the plans adopted in 1857, made by Reuben Clark, and also build a branch prison at Folsom, or any other place within the same distance of Sacramento City, and also make all other additions to the prison at San Quentin. Said prison, or prisons, shall have capacity sufficient to hold all the prisoners which may be confined for said ten years, and not have more than four in a cell, except in the hospital. And further, I will build all necessary hospitals for both branches of said prison. The capitol to be built in accordance with the plans and specifications made by Clark. The prison to be strong, and done in a good and workmanlike manner ; the material to be of granite and brick. The capitol shall be completed within five years from the date of said contract, and also both branches of prisons shall be completed in one year from the date of said contract—

that is to say, the prison shall have sufficient capacity at all times for the accommodation of the prisoners for the ten years; and further, all the prisoners which may be taken outside of the walls of said prison, I will guard myself, and see the safe return of the same within the walls of the prison.

Fifth—And further, at any time the new capitol should be completed, and the state should purchase the present building they now occupy, I will bind myself to take it from the state at such valuation as may be determined by four competent architects, two selected by the commissioners for the state, and two by myself, and if they cannot agree, they shall call in the fifth architect, and his decision shall be final; and said award to be paid in state bonds within ninety days after the award. And further, I will bind myself that in two years and nine months from the date of said contract, to finish one-half of the interior of said capitol, and deliver the use of said building to the state during the sitting of the Legislature. And further, I will bind myself not to cause state prison labor to come in contact or competition with other labor on all contracts for less than five thousand dollars, and I will bind myself to give ample security to carry out the whole of the above proposition. Your petitioner submits the above proposition to your honorable bodies for your due consideration.

Yours, respectfully,

H. R. LEONARD.

SACRAMENTO, March 29, 1858.

Read and referred to the Committee on State Prison and Public Buildings.

REPORTS.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 259, an act to legalize acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco, having considered the same, report it back to the Senate, with a recommendation that the bill pass;

Also Senate bill No. 170, an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April 10th, 1855, and recommend its passage;

Also, Senate bill No. 247, an act to allow Lindley Carson to sell certain real estate, and recommend its passage;

Also, Senate bill No. 223, an act concerning commissioners of deeds, appointed by the governors of other states and territories of the United States, and recommend its passage;

Also, Assembly bill No. 175, an act to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, passed April 30, 1853;

And Senate bill No. 236, supplementary to an act entitled an act to amend an act to establish a standard of weights and measures, passed April 30, 1853; and report a substitute for these, recommending the passage of the substitute;

Also, Senate bill No. 189, an act concerning notaries public, and report the same to the Senate, without recommendation, for consideration.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Melony made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Senate concurrent resolution, instructing our senators to vote for "Morrill's Bill," have had the same under consideration, and respectfully report the same to the Senate, and recommend the passage of the same.

MELONY, Chairman.

On motion of Mr. Thom, the rules were suspended, resolution amended, and, as amended, adopted.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 229, an act to audit the the claim of J. Tyson ;

Also, Senate bill No. 206, an act repealing the laws now in force relating to the militia, and concerning the organization, enrollment and discipline of the militia of this state ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and placed on file.

Mr. Phelps, of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate joint resolution No. 26, relative to swamp lands ;

Also, substitute for Senate bill No. 70, an act to audit certain claims ;

Also, Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854 ;

Also, Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records, and indexes of records of said county, and fixing the amount of his compensation thereof ;

Also, Senate bill No. 156, an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county ;

Also, Senate bill No. 165, an act for the relief of James D. Potter ;

Also, Senate bill No. 195, an act to appropriate money for the relief of certain persons ;

Also, Senate bill No. 196, an act relating to the thirteenth judicial district, and to define the time of holding the courts of said district.

T. G. PHELPS, of Committee.

Report accepted.

Mr. Melony made the following report :

MR. PRESIDENT:—Your special committee, to whom was referred Assembly bill No. 387, entitled an act to fix the compensation of the board of supervisors of San Joaquin county, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage.

MELONY, Chairman.

Report accepted, and placed on file.

Mr. Griffith made the following report :

MR. PRESIDENT :—The special committee to whom was referred Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, have considered the same, and have instructed me to report the bill to the Senate, with certain amendments, and recommend the passage of the bill, as amended.

Your committee would urge upon the Senate the great necessity of an enactment of this kind for the promotion of the best interests of the state, the great obstacle hitherto to the permanent improvement of the state, has consisted in the fact that there was no means of procuring a title to lands which would be recognized and considered valid by the court.

Thousands of acres of swamp or overflowed lands have remained for the nine years since our state government was organized, unreclaimed and uncultivated, for the want of some action by the state to authorize the disposal of it.

If the state will now dispose of these lands in such a manner as to enable their purchase and reclamation by those desirous of building up homes for themselves, your committee believe that but a few years will elapse before that which is now a swamp will be covered with fertile farms, affording homes for the happy and prosperous tillers of the soil, and yielding annually large tribute of wealth from its soil, to the enrichment of our state and the common benefit of all our citizens.

Your committee, therefore would again urge upon the Senate the imperative necessity of taking speedy and efficient action upon this subject.

HUMPHREY GRIFFITH, Chairman.

WM. I. FERGUSON,
A. W. TALIAFERRO,
A. R. MELONY,
WM. HOLDEN,
J. O. GOODWIN.

Report accepted.

On motion of Mr. Ferguson of Sacramento, the bill was made the special order of the day for Thursday, April first, at twelve o'clock.

Mr. Sullivan made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25th, 1857, have had the same under consideration, and respectfully recommend its passage, without amendment.

SULLIVAN, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. Soule made the following report :

MR. PRESIDENT :—The special committee, consisting of the delegation from San Francisco and San Mateo, to whom was referred an act to regulate the fire department of the city of San Francisco, passed April 30th, A. D. 1855, have considered the same, and have directed me to report the accompanying bill as a substitute, and recommend the passage of the substitute.

S. SOULE.

MARCH 30, 1858.

Report accepted, and, with bill, placed on file.

Mr. Thom made the following report :

MR. PRESIDENT :—The special committee to whom was referred Assembly bill No. 250, entitled an act to change the time of holding the courts of sessions, county courts, and probate courts of the counties of Santa Barbara and San Luis Obispo, have had the same under consideration, and beg leave to report the bill back to the Senate, without amendments, and recommend that the same be passed.

C. E. THOM, First District, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Burton offered the following concurrent resolution, which was adopted :

Resolved By the Senate, the Assembly concurring, that the Secretary of State be authorized and directed to correct the title of Senate bill No. 188, approved March 29, 1858, entitled an act making appropriations to meet delinquencies in appropriations heretofore made, from January 1, 1857, to July 1, 1858, so that it shall read "An act making appropriations to meet deficiencies in appropriations heretofore made, from January 1, 1857, to July 1, 1858."

Mr. Lewis, by leave, offered the following joint resolution :

JOINT RESOLUTION RELATIVE TO MUSTER-ROLLS AND VOUCHERS OF WAR CLAIMS
TRANSMITTED TO THE WAR DEPARTMENT AT WASHINGTON.

Resolved By the Senate and Assembly, that the honorable the Secretary of War be requested to transmit to the Quartermaster and Adjutant General of this State, to be filed in his office, the certified copies of muster-rolls and vouchers relative to the several expeditions against the Indians in this state, prior to April, 1854, which certified papers were transmitted by John Bigler, late Governor of this state, to the Secretary of War, on the twelfth day of May, 1855.

Resolved, That the Governor be requested to forward a copy of this resolution to the Secretary of War.

Read first and second times, and referred to the Committee on Military Affairs.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills report, that on the twenty-seventh day of March, 1858, at two o'clock, p. m., they presented to the Governor, for his approval, Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 30, 1858. }

To the Senate of California :

I have, this day, approved an act to audit the claim of John S. Love.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855;

Also, amended and passed Senate bill No. 159, an act to improve the navigation of Petaluma Creek, and ask the concurrence of the Senate in the amendment made to the bill.

J. NORMAN BINGAY, Ass't Clerk.

Senate bill No. 159, amendments of Assembly concurred in.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 25th instant, passed Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax, and create a redemption fund for the payment of county indebtedness;

Also, Assembly bill No. 377, an act to amend an act entitled an act concerning jurors, passed May 3, 1852;

Also, Assembly bill No. 386, an act to regulate the issue of county warrants in the county of Shasta.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 376 was read first and second times, and referred to the delegation from Shasta.

Assembly bill No. 377 was read first and second times, and referred to the delegations from Placer and El Dorado.

Assembly bill No. 386 was read first and second times, and referred to the delegation from Shasta.

INTRODUCTION OF BILLS.

Mr. Griffith introduced a bill for an act authorizing the Attorney General to compromise certain judgments, which was read first and second times, and, on motion of Mr. Griffith, was referred to a special committee of three, with instructions to report on or before Saturday, April 3d, and bill made special order of the day for that day, April 3, at twelve o'clock.

Mr. Thom, by leave, introduced a bill for an act to change the time of holding the courts of sessions and county court in the county of Los Angeles, which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Thom, by leave, introduced a bill for an act to fix the salary of district attorney of San Bernardino county, which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Chair announced as special committee, to whom was referred Senate bill No. 282, Messrs. Griffith, Burch, and Anderson.

Mr. Griffith introduced a bill for an act providing for the construction of a wagon road, which was read first and second times, and referred to the Committee on Internal Improvements;

Mr. Ferguson of Sacramento asked leave to withdraw the papers of Thomas R. Eldredge.

Mr. Burton moved that the Judiciary Committee be instructed to ex-

amine the subject of withdrawing original papers on file in the secretary's department, which was carried.

SPECIAL ORDER OF THE DAY.

Senate bill No. 41, an act to regulate the rate of interest on money, and to prevent usury, was laid on the table.

FURTHER SPECIAL ORDER.

Assembly bill No. 9, an act to repeal, in part, an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12th, 1853, approved April 28th, 1857—

Mr. Burton moved to lay the bill upon the table, upon which the ayes and noes were demanded by Messrs. Berry, Baker, and Burch, and taken, with the following result: Ayes, 6—noes, 21:

AYES—Messrs. Anderson, Burton, Carpenter, Lewis, Melony, and Pacheco—6.

NOES—Messrs. Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Phelps, Sullivan, and Taliaferro—21.

So the motion was lost.

On motion of Mr. Burch, the word "Sierra," heretofore stricken out, was reinstated.

The question being on the third reading of the bill, the ayes and noes were demanded by Messrs. Anderson, Melony, and Baker, and taken, with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Hart, Holden, Phelps, Soule, and Sullivan—18.

NOES—Messrs. Anderson, Burton, Carpenter, Griffith, Hamm, Johnson of El Dorado, Ketchum, Lewis, Melony, Pacheco, Taliaferro, and Thom—12.

So the motion was carried.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Burton, and Coulter, and taken, with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Baker, Berry, Burch, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Hart, Holden, Phelps, Soule, and Sullivan—18.

NOES—Messrs. Anderson, Burton, Carpenter, Griffith, Hamm, Johnson of El Dorado, Ketchum, Lewis, Melony, Pacheco, Taliaferro, and Thom—12.

So the bill was passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, to-day, passed Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 106 was read first and second times, and referred to the Judiciary Committee.

FURTHER SPECIAL ORDER.

Senate bill No. 60, an act for the better observance of the Sabbath, was taken up.

Mr. Griffith moved to lay the bill on the table.

Lost.

The question being on concurring in amendments made by Assembly, the ayes and noes were demanded by Messrs. Melony, Carpenter, and Baker, and taken, with the following result: Ayes, 14—noes, 16:

AYES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Griffith, Hamm, Melony, Pacheco, Soule, and Thom—14.

NOES—Messrs. Allen, Burton, Bell, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Grant, Gregory, Hart, Johnson of El Dorado, Ketchum, Lewis, Phelps, Sullivan, and Taliaferro—16.

So the Senate refused to concur.

On motion of Mr. Grant, Senate bill No. 44, an act in relation to a sea-wall or bulk-head in the city and county of San Francisco, was taken from the table, and made the special order of the day for Friday, April 2, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Senate bill No. 26, an act concerning roads and highways, was taken up, and considered as in Committee of the Whole.

Mr. Baker moved a call of the Senate.

Carried.

Mr. Bell moved to dispense with the further proceedings under the call.

Carried.

Mr. Burton in the chair.

After consideration, the bill was reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Berry moved to add to section eighteen the words "in fact."

Carried.

Mr. Bell moved to recommit the bill to a special committee of three.

Lost.

On motion of Mr. Melony, the vote by which the Senate adopted the amendments to section thirty-three of the bill, made in Committee of the Whole, was reconsidered.

Mr. Griffith offered the following amendment to the amendment to section thirty-three:

"As well as all streets in towns or villages, not incorporated, whether laid out on the plat of such town or village, or used as such, to the width laid out."

Adopted.

Mr. Sullivan moved to strike out, in section seventeen, line seventeen, the word "plantation," and insert the word "farm."

Carried.

Mr. Griffith moved to strike out the word "any," in section fourteen, and insert the word "five."

Adopted.

Mr. Griffith moved to strike out, in section ———, the word "which," and insert the words "whose property."

Mr. Anderson moved to strike out, in line two of section thirty-nine, the word "treasury," and insert the words "road fund."

Carried.

Mr. Phelps moved to amend section forty-three, by striking out all after the word "and," in the sixth line, and inserting the following: "To pay the same to the county treasurer, or to expend the same for the use of the roads and bridges in their districts, when ordered to do so by the board of supervisors, and also such other sums as may be ordered to be expended by the board of supervisors, out of the road fund of the county for the improvement of roads and bridges, within their respective districts."

Lost.

Mr. Anderson offered the following amendment to section forty-five, which was adopted :

Add: "And where any road shall be injured by any corporation or other company, or person, they shall be required to repair the same, and in default, become liable to the amount of the damages done."

Mr. Berry offered the following amendment to section thirty-eight, which was adopted :

Section thirty-eight, line second: after the word "tax," insert "not exceeding ten cents on each one hundred dollars in value of the assessed property in said district," and strike out "in work, or money, or both."

Pending which, the following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on the twenty-ninth instant, passed Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857.

J. NORMAN BINGAY, Assistant Clerk.

CONSIDERATION OF ROAD BILL RESUMED.

Mr. Soule offered the following amendment, which was adopted :

Add to section eighty-two: "All that part of the city and county of San Francisco lying easterly of Larkin street, and northerly of Johnson street, shall be and is hereby excluded from the operation of this act, but the provisions of the same shall apply to that part of the said city and county southerly and westerly of said streets."

The bill was then ordered engrossed, to be read a third time.
On motion of Mr. Anderson, the Senate adjourned.
Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, March 31, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Pacheco presented the petition of the heirs of E. P. Hartnell, deceased, praying for the passage of a law authorizing the executrix of the will of said deceased to sell the real property of testator at private sale.

Referred to the Judiciary Committee.

Mr. Baker presented the claim of Wells, Fargo & Co., for express charges.

Referred to the Committee on Public Expenditures.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following accounts:

The account of Calaveras Chronicle from commencement of			
the Senate, eight copies, - - - - -	-	-	\$16 00
San Joaquin Republican, to March 21, three weeks, - - -	-	-	13 87½
Evening Bulletin, to April 1, - - - - -	-	-	12 31
San Francisco Globe, to April 1, - - - - -	-	-	9 50
Golden Era, to April 1, - - - - -	-	-	2 50
Kirk & Co., bill of stationery, - - - - -	-	-	186 25
Account of J. W. Hawkins, fixing door, - - - - -	-	-	5 00
Daily Bee, to April 1, - - - - -	-	-	7 00

\$252 43½

And recommend the payment from the contingent fund.

BAKER, Chairman.

Report adopted.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—Your Committee on Finance, to whom was referred Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857, have had the same under consideration, report the bill back to the Senate without amendment, recommending its passage.

JOSIAH JOHNSON,
Chairman of Committee on Finance.

Report accepted, and, with bill, placed on file.

Mr. Johnson of El Dorado, chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—Your Committee on Military Affairs, to whom was referred Senate joint resolution No. 35, relative to muster-rolls and vouchers of war claims transmitted to the war department at Washington, have had the same under consideration, and report it back, with the recommendation that it be passed.

S. M. JOHNSON, Chairman.

Report accepted, and, with resolution, placed on file.

Mr. Thom made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bill No. 268, entitled an act relative to the board of supervisors of San Diego county, have had the same under advisement, and beg leave to report the bill back, recommending its passage, without amendment.

C. E. THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, offered the following resolution, which was adopted:

Resolved, That the select committee, to whom was referred Assembly bill No. 37, an act to provide for the funding and payment of outstanding unfunded claims against the city and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, be directed to report said bill this day.

On motion of Mr. Johnson of Sacramento, Senate bill No. 217, an act to audit the claim of Baker & Swinerton, was taken from the table, and placed at foot of the calendar.

INTRODUCTION OF BILLS.

Mr. Garter, by leave, introduced a bill for an act to fix the salary of the district attorney of the county of Tehama.

Read first and second times, and, on motion of Mr. Garter, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Berry, by leave, introduced a bill for an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county.

Read first and second times, and, on motion of Mr. Berry, the rules were suspended, bill considered engrossed, read a third time, and passed.

GENERAL FILE.

Senate bill No. 229, an act to audit the claim of J. Tyson, was read a third time, and, on motion of Mr. Berry, laid on the table.

Senate bill No. 206, an act repealing the laws now in force relating to the militia, and concerning the organization, enrollment, and discipline, of the militia of this state, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Burch, Burton, and Berry.

Mr. Burch moved a call of the Senate.

Carried.

The roll was called.

On motion of Mr. Johnson of El Dorado, further proceedings under the call were dispensed with.

The question being on the passage of the bill, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 7—noes, 23:

AYES—Messrs. Anderson, Baker, Dickinson, Ferguson of Sierra, Johnson of El Dorado, Melony, and Phelps—7.

NOES—Messrs. Allen, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Johnson of Sacramento, Ketchum, Lewis, Pacheco, Soule, Sullivan, and Taliaferro—23.

EXCUSED—Mr. Holden was excused from voting.

So the Senate refused to pass the bill.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges, was taken up.

Mr. Griffith moved to recommit the bill to the Committee on Public Lands, with the following instructions, which was carried:

“Section three—The state of California, upon the express conditions hereinafter recited, all of which shall be fully complied with before this grant takes effect, grants, to the said incorporated company, one-half mile of the water-front on the northeast side of Napa Bay, or the Straits of Carquinez, which said half mile shall be in one body, and shall not interfere with the now existing rights or possession of any person, and shall be designated, by the said company, by survey and plot, which survey and plot shall be recorded in the recorder's office of Solano county, within sixty days from the passage of this act. A failure to make such survey and plot, and to record the same within the sixty days aforesaid, shall be considered and shall work an entire forfeiture and avoidance of this grant. The state of California also grants to said incorporated company, subject to the same conditions and restrictions as aforesaid, together with such additional conditions as are hereinafter recited, one-half of all the overflowed and swamp lands lying within the counties of Sutter, Yolo, and Colusa, through which said road shall be constructed, and lying within the following boundaries, to wit: In the county of Sutter, between the mouth, or sink, of Butte Creek and the junction of the Sacramento and Feather Rivers, and, in Yolo and Colusa counties, between the town of

Colusa and Knight's Landing, in Yolo county, the said lands to be designated by odd and even sections, according to the plan of survey by the United States. The said grantees, after fully complying with all the conditions hereinbefore and hereinafter recited, to take the even sections, and parts of sections, and the state to retain the odd sections, or fractions, of the same. This last-mentioned grant, as aforesaid, shall be for the purpose of aiding in the construction of said road, and the reclamation of such swamp and overflowed lands. No title, or right, in or to said lands, shall vest in the said company, by virtue of this grant, in any other manner, or at any other time, than is herein provided, to wit: When said road shall have been completed from the city of Marysville to the Sacramento River, and the swamp and overflowed lands lying in Sutter county, and between the mouth, or sink, of Butte Creek, and the junction of the Sacramento and Feather Rivers, shall have been reclaimed from overflow, then said company shall be invested with, and have and hold, all the title of the state in and to the one-half of said last described tract of land, in conformity to the provisions aforementioned. Upon the completion of said road from the Sacramento River to the point on Cache Creek, in Yolo county, where said road shall cross the same, and the reclamation of all the swamp and overflowed lands lying in the counties of Yolo and Colusa, and between the town of Colusa and Knight's Landing, in Yolo county, then the company shall be entitled to select the one-half of said last-mentioned and described land, in accordance with the provisions hereinafter recited; and, thereupon, the said company shall be invested with all the right and title of the state therein. And when the said road shall have been fully completed to the terminus thereof, on Napa Bay, or the Straits of Carquinez, and all the swamp and overflowed lands hereinbefore mentioned shall have been fully and entirely reclaimed from overflow, then the grants herein made shall become absolute, and the company shall be invested with all the title of the state in and to the lands herein granted, subject, however, to the conditions of the next section of this act. *And provided*, that no portion of the swamp and overflowed lands lying on Napa Bay, or the Straits of Carquinez, except the one-half mile hereinbefore recited, shall be included within this grant.

"Section four—If the said incorporated company shall fail to construct and complete their said road from the city of Marysville to the Sacramento River, and to reclaim the swamp and overflowed lands lying between the mouth or sink of Butte Creek and the junction of the Sacramento and Feather Rivers, within two years from the passage of this act, then and in that event all the grants, concessions, and privileges, hereby proposed to be granted, are declared to be revoked and null, void, and of no effect; and if the said company shall fail to construct and fully complete their said road, and reclaim all the swamp and overflowed lands herein proposed to be reclaimed, within four years from and after the passage of this act, then and in that event the whole of the grants, concessions, and privileges, hereby proposed to be granted, are declared to be null, void, and of no effect. *And provided, also*, That the total amount of swamp and overflowed lands hereby granted, shall, in no case, exceed the amount of six hundred and forty acres of such land to each mile in length of said road."

Senate bill No. 228, an act to audit the claim of Samuel Warren, was read a third time, and passed.

Senate bill No. 172, an act to prohibit champerty and forced sales of land not in possession of judgment debtors, in the city and county of San

Francisco, was, on motion of Mr. Griffith, made the special order of the day for Saturday, April 3, 1858.

Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and to be read a third time.

Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' license, in the county of Sierra, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee adopted.

Mr. Burton moved to strike out the word "April," wherever it occurs in the bill, and insert the word "May."

Carried.

The bill was then read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 31, 1858.

To the Senate of California:

I beg leave to call the attention of your honorable body to a subject which may produce some difficulty hereafter in the execution of the criminal laws. Article 1697, section 467, of the Criminal Practice Act, provides that the judges of the courts at which a conviction requiring judgment of death shall have been had, shall, immediately after the conviction, transmit to the Governor by mail, or otherwise, a statement of the conviction and judgment, and of the testimony given at the trial.

Soon after I came into office, I called, through the newspapers, the attention of the district judges to this act. Scarcely any of them, under the administration of my predecessor, paid any attention to this law, and I find great difficulty in getting them to observe it.

I regard this provision in the code a very important one, and I shall feel it my duty to use all the power vested in me by the constitution and laws, to require its observance. This may produce excitement, and end in illegal executions, but the responsibility will rest upon the judges and not upon the Executive.

I suggest, however, to the Legislature a modification of this act, so as to require the clerk, in capital cases, to take down the testimony and forward the same to the Governor, with the certificate of the judge as to its correctness. Fees should be allowed to the clerk for these services.

JOHN B. WELLER.

On motion, the message was referred to the Judiciary Committee.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Assembly bill No. 401, an act to audit and allow the claim of James Smiley;

Also, substitute for Senate bill No. 218, an act to audit certain claims.

J. W. SCOBAY, Clerk.

Assembly bill No. 401 was read first and second times, and referred to the Judiciary Committee, with Senate bill No. 218.

GENERAL FILE RESUMED.

Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill read a third time, and passed.

Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, and Monterey, was read a third time, and passed.

Assembly bill No. 254, an act to authorize the boards of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state, and majority and minority reports of committee read, bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Mr. Bell moved to take up amendments made by committee, *seriatim*. Carried.

Amendments considered, and adopted.

Mr. Bell moved to strike out all in the nineteenth section that relates to San Francisco.

Lost.

Mr. Bell offered the following amendment to section nine :

“Provided that the provisions of this act do not extend over any lands within three miles of the city of Oakland.”

Lost.

Mr. Burch moved to indefinitely postpone the bill, upon which the ayes and noes were demanded by Messrs. Johnson of Sacramento, Soule, and Phelps, and taken, with the following result : Ayes, 7—noes, 19 :

AYES—Messrs. Anderson, Berry, Burch, Bell, Hamm, Lewis, and Pacheco—7.

NOES—Messrs. Allen, Baker, Burton, Chase, Coulter, Dickinson, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Melony, Phelps, Soule, Sullivan, Taliaferro, and Thom—19.

So the Senate refused to indefinitely postpone the bill.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Gregory, and Baker, and taken, with the following result : Ayes, 20—noes, 8.

AYES—Messrs. Allen, Baker, Burton, Chase, Coulter, Dickinson, Ferguson of Sierra, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacra-

mento, Johnson of El Dorado, Melony, Phelps, Soule, Sullivan, Taliaferro, and Thom—20.

NOES—Messrs. Anderson, Berry, Burch, Bell, Garter, Hamm, Lewis, and Pacheco—8.

So the bill was passed.

Mr. Soule gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Baker also gave the same notice.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have, to-day, passed Assembly bill No. 202, an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same ;

Also, Assembly bill No. 284, an act concerning the county records of the county of Sutter ;

And Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts ;

Also, yesterday, passed Senate bill No. 192, an act to audit the claim of Pacific Express Company ;

Also, amended and passed Senate bill No. 139, an act creating a state land office for the state of California, and ask the concurrence of the Senate in the amendment made to the bill.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 202 was read first and second times, and referred to the delegations from Sierra and Yuba.

Assembly bill No. 284 was read first and second times, and referred to the senator from Sutter.

Senate bill No. 139, amendments made by Assembly concurred in.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, to-day, amended and passed Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, and to repeal an act entitled an act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April 19, 1856, and respectfully ask the concurrence of the Senate in the amendment.

J. NORMAN BINGAY, Assistant Clerk.

Senate bill No. 137, amendments made by Assembly concurred in.

Mr. Griffith, of a special committee, made the following report :

MR. PRESIDENT :—The select committee, to whom was referred Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, have considered the same, and asked leave to submit the following report :

The bill under consideration proposes to legalize and fund a large outstanding debt existing against the city of San Francisco and the county of San Francisco, as they existed prior to the consolidation of the two governments in one. The amount of this indebtedness is very large, reaching, as nearly as your committee are able to ascertain, to an amount little,

if any, short of two millions of dollars. A portion of this indebtedness—and a large portion—is undoubtedly a proper and legal charge against the present corporation known as the city and county of San Francisco; the remainder is perhaps questionable. It has been proposed to the committee that the award of the board of examiners, made under the provisions of this act, shall be submitted to the people of the county and city of San Francisco for their approval or rejection. Your committee have given this proposition their careful consideration, and are satisfied that this approval or rejection could give no increased legal force to the award, this being not a question over which the rule of majorities has any control—the question as to the effect of this act, in legalizing any present illegal debt against the city and county of San Francisco, being one to be adjudicated by the courts, and not at the polls.

Although your committee are of the opinion that this bill might be, in some particulars, so amended as to do more complete justice to many of the parties interested, still, those amendments, being of no vital importance, and the passage of the bill being of great importance to the city and county of San Francisco, as affording the only certain means of determining its liability,—rather than encumber the bill, and perhaps endanger its passage, the committee decline proposing such amendments.

Taking this view of the question, your committee consider the proper course to be, to constitute the board of examiners in such a manner as to place upon it those who are familiar with the questions to be adjudicated, and with the rights and liabilities of the various parties interested. Your committee believe that this object can be accomplished by inserting the name of Edmund Randolph as one of the board, he having been one of a former board of examiners under the law of 1855; also, the name of Otto H. Frank, he having been one of a former board of fund commissioners under the law of 1852. This will cause the board to consist of seven members, which your committee submit will be none too large for the proper investigation of a subject of so great importance.

If this proposition should be acceded to by the Senate, your committee would then recommend that the bill be further amended so as to make four members of said board a quorum instead of three—for which purpose your committee recommend to strike out the word “three” in the third section of the bill, and the word “two” in the twelfth section, and insert in lieu thereof the word “three.”

All of which is respectfully submitted.

HUMPHREY GRIFFITH,
S. F. HAMM,
E. GARTER.

Report accepted.

Mr. Grant, of the San Francisco delegation, made the following report :

MR. PRESIDENT :—The select committee, consisting of the delegation from the counties of San Mateo and San Francisco, to whom was referred Senate bill No. 244, an act for the relief of David Seannell, sheriff of the county of San Francisco, have had the same under consideration, report the same back to the Senate and recommend that it be indefinitely postponed, for the following, among other reasons :

The act of the Legislature, generally known as “the consolidation bill,” for the city and county of San Francisco, went into effect on the first day of February, 1856.

At the time mentioned, the county was indebted to Mr. Seannell and others, whose claims were equally mentioned, more than \$700,000.

To prefer the indebtedness to him over the claims of other creditors would be doing an act of injustice for which your committee fail to find an excuse. Your committee have had under consideration, at different times, many claims of equal merit with that of Mr. Sisson, but in view of the financial condition of the city and county of San Francisco, and the fact that the San Francisco trading bill now before the Senate, provides for the just disposition of this class of indebtedness, here (as they propose to do in that case) referred the claimants to the pending bill.

WILBERT A. GRANT,
E. L. SULLIVAN
SIML SCULI,
T. G. PHELPS

Report accepted.

On motion of Mr. Ferguson of Sacramento, the bill was made the special order of the day for Friday, April 22, at one o'clock, a. m.

On motion of Mr. Anderson, Senate bill No. 97, was made the special order of the day for Friday, April 22, at half past one o'clock.

GENERAL BILL DISCUSS

Assembly bill No. 46, an act to extend the term of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and amend their salaries.

IN SENATE

The following amendment of committee was adopted: Section one, line four—strike out "eight" and insert "seventy-five dollars."

The act was read three times, and passed.

Assembly bill No. 121, an act to amend an act entitled an act to reorganize and establish the county of San Mateo, approved April 15, 1867, was taken up, and amendments of committee adopted.

On motion of Mr. Phelps the yeas were suspended, bill considered engrossed, read a third time, and passed.

Mr. Duffie, by leave, introduced a bill for an act to repeal the charter of the city of Berkeley, and to incorporate and otherwise provide for the government thereof.

Read first and second times, and referred to the delegation from Saline.

On motion of Mr. Johnson of El Dorado, the Senate adjourned.

Approved.

JOSEPH WALEY, President of Senate.

Attest: THOS. N. LARSEN, Clerk of Senate.

IN SENATE

WEDNESDAY, April 1, 1868.

Senate met pursuant to adjournment.

Present in the chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Johnson, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—Your Committee on Finance, to whom was referred Senate bill No. 166, an act making appropriations for the support of the civil government of the state, for the tenth fiscal year, commencing on the first day of July, 1858, and ending on the thirtieth day of June, 1859, have had the same under consideration, report the bill back to the Senate, with the following amendments, recommending its passage as amended :

Amendments : Fill the blank for the salaries of clerks in the office of the Treasurer, with the sum of \$7,200.

And for contingent expenses of Treasurer, \$3,000.

Amend appropriation for postage for the office of Secretary of State, by making the same \$1,200.

Add to appropriations for Attorney General : For the salary of a clerk for the Attorney General, \$1,000.

Strike out, for farming utensils, seeds, etc., for the cultivation and improvement of the grounds of the state asylum for the insane, ————— dollars.

Amend the appropriation for indexing the Journals of the Legislature, so that it shall read \$800.

Fill the blank in the appropriation for schools, with the sum of \$32,950 40.

Add, or insert in the bill : For the salary of the register of the land office, \$500.

For the salary of a clerk for the land office, \$1,200.

For contingent expenses for land office, \$700.

JOSIAH JOHNSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Johnson of El Dorado reported, verbally, Assembly bill No. 377, an act to amend an act concerning jurors, passed May 3, 1852, recommending its indefinite postponement.

Report accepted, and bill placed on file.

Mr. Gregory made a verbal report on Assembly bill No. 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, 1857, recommending its passage.

On motion of Mr. Gregory, the rules were suspended, bill read a third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, March 31st, passed Assembly bill No. 239, an act to change the name of Newman Bleistein to Bleistein Newman ;

Also, Senate bill No. 279, an act to fix the salary of the district attorney of San Bernardino county ;

Also, Senate bill No. 280, an act to change the time of holding the courts of sessions and county court, in the county of Los Angeles ;

Also, Senate bill No. 276, an act granting to Franklin A. Rogers leave of absence from the state ;

Also, Assembly bill No. 405, an act supplementary to an act to incorporate the city of Santa Barbara, passed April 9, 1850 ;

Also, Assembly bill No. 406, an act concerning coroners in the counties of San Luis Obispo and Santa Barbara ;

Also, adopted and passed Assembly bill No. 407, an act amendatory of and supplementary to an act to incorporate the city of Nevada, approved April 19, 1856 ;

Also, adopted the following resolution : "*Resolved*, By this House, that the Senate be and is hereby requested to order that all remonstrances or papers, in anywise connected with a bill known as the 'Consolidation Bill,' be sent into this House, for the purpose of information ;"

Also, adopted the majority report of joint committee on appointing John P. Brodie, Spanish translator ;

Also, concurred in Senate concurrent resolution No. 34, instructing our senators to vote for Morrill's bill ;

Also, concurred in Senate amendments to Assembly bill No. 9, an act to repeal, in part, an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857 ;

Also, in Senate amendments to Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1855 ;

Also, in Senate amendments to Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda ;

Also, receded, agreeably to the request of the Senate, from their second amendment to Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 405 was read first and second times, and referred to the delegation from San Bernardino ;

Assembly bill No. 406 was read first and second times, and referred to the delegation from Santa Barbara ;

Assembly bill No. 407 was read first and second times, and referred to the delegation from Nevada.

Assembly resolution, requesting the papers relating to Sacramento consolidation bill, was read, and, on motion of Mr. Burch, the secretary was directed to transmit to the Assembly the papers relating to the bill known as the Consolidation Bill.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 29th instant, passed Senate bill No. 98, an act to suppress gaming, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

Senate bill No. 98, Mr. Burch moved to make the bill the special order of the day for Thursday, April 14, at twelve o'clock.

Lost.

Mr. Baker moved to make the bill the special order for Saturday, April 10th.

Lost.

On motion of Mr. Bell, the bill was made the special order of the day for Thursday, April 8, at twelve o'clock.

INTRODUCTION OF BILLS.

Mr. Taliaferro, by leave, introduced a bill for an act concerning the seventh judicial district and the judge thereof.

Read first and second times, and referred to the delegation from the seventh district.

Mr. Gregory, by leave, introduced a bill for an act to grant to Henry De Grow, sheriff of Monterey county, leave of absence from this state.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Burton, Senate bill No. 121, an act for the relief of Wm. Wright, was taken from the table, and placed at the foot of the calendar.

Mr. Baker, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Assembly bill No. 254, an act to authorize the boards of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state.

Mr. Melony moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded by Messrs. Baker, Burch, and Gregory, and taken, with the following result: Ayes, 19—noes, 11:

AYES—Messrs. Allen, Burton, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Grant, Gregory, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Phelps, Soule, Sullivan, and Taliaferro—19.

NOES—Messrs. Anderson, Baker, Berry, Burch, Bell, Carpenter, Garter, Hamm, Lewis, Merritt, and Rogers—12.

So the motion to reconsider was indefinitely postponed.

SPECIAL ORDER OF THE DAY.

Senate concurrent resolution No. 32, relative to the election of Quartermaster General, was taken up.

Mr. Taliaferro offered the following amendment to the resolution:

Add, "And for the election of two trustees to the state insane asylum, in the place of P. E. Connor and Wm. Lyons, Esq., whose terms of office have now expired."

Upon which, the ayes and noes were demanded by Messrs. Rogers, Baker, and Dickinson, and taken, with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Allen, Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Grant, Griffith, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Pacheco, and Taliaferro—18.

NOES—Messrs. Anderson, Baker, Burton, Carpenter, Dickinson, Ferguson of Sierra, Goodwin, Gregory, Johnson of El Dorado, Phelps, Rogers, and Soule—12.

DECLINED—Mr. Sullivan declined voting.

So the amendment was adopted.

The question being upon the adoption of the resolution, as amended, the ayes and noes were demanded by Messrs Johnson of El Dorado, Burton, and Anderson, and taken, with the following result: Ayes, 19—noes, 12:

AYES—Messrs. Allen, Berry, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Garter, Grant, Gregory, Griffith, Hamun, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Pacheco, and Taliaferro—19.

NOES—Messrs. Anderson, Baker, Burton, Carpenter, Dickinson, Ferguson of Sierra, Goodwin, Johnson of El Dorado, Phelps, Rogers, Soule, and Sullivan—12.

So the resolution, as amended, was adopted.

Mr. Chase, chairman of the Judiciary Committee, made the following report, by leave:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 401, (substitute for Senate bill No. 218,) an act to audit and allow the claim of James Smiley, have considered the same, and report the Assembly bill to the Senate, with the recommendation that the bill pass;

Also, Assembly bill No. 257, an act to authorize George W. Chedic to sell certain property of Georgiana M. C. F. Chedic, and report the same to the Senate, with certain amendments, and recommend its passage, as amended;

Also, Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850, and report the same to the Senate, with a recommendation that the bill pass;

Also, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state, and recommend its passage;

Also, Senate bill No. 126, an act to amend an act to regulate proceedings in civil cases in the courts of justice of this state, and recommend its indefinite postponement;

Also, Senate bill No. 241, an act to quiet the title to certain lands in the city and county of San Francisco, and recommend its indefinite postponement;

Also, Senate bill No. 171, an act to provide compensation for physicians and surgeons in certain cases, and recommend its passage, with certain amendments therein shown, to wit:

“Amend, by striking out the third section.”

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

FURTHER SPECIAL ORDER.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was, on motion of Mr. Burton, laid temporarily on the table.

Mr. Burton moved to take from the file Assembly bill No. 401, an act to audit the claim of James Smiley.

Carried.

Bill read a third time, and passed.

Mr. Goodwin, by leave, introduced a bill for an act amendatory of an act to regulate proceedings in civil cases.

Read first and second times, and referred to the Judiciary Committee.

Mr. Garter, by leave, offered the following resolution, which was adopted:

Resolved, That the Governor be requested to inform the Senate what action, if any, has been had in regard to the memorial presented to him from citizens of Shasta and Plumas counties, about Indian depredations in that section of the state.

Mr. Goodwin, by leave, introduced a bill for an act for the government of the state prison convicts, and to provide for the location of a branch prison.

Read first and second times, and, on motion of Mr. Burton, the usual number of copies ordered printed, and the bill made the special order of the day for to-morrow, (Friday,) April 2, at twelve o'clock.

Mr. Berry, by leave, introduced a bill for an act to fix the compensation of the collector of foreign miners' licenses in the county of Siskiyou.

Read first and second times, and referred to the Committee on Finance, with instructions to report same back to-morrow.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 112 taken up, and considered as in Committee of the Whole, (president *pro tem.* in the chair,) and reported back, with amendments.

IN SENATE.

Mr. Burton moved to consider amendments made by Committee of the Whole, which were considered *seriatim*.

The question being on concurring in second amendment to section two, made in Committee of the Whole, the ayes and noes were demanded by Messrs. Melony, Berry, and Baker, and taken, with the following result: Ayes, 18—noes, 10:

AYES—Messrs. Allen, Berry, Burch, Bell, Coulter, Ferguson of Sacramento, Goodwin, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Phelps, Sullivan, and Thom—18.

NOES—Messrs. Baker, Burton, Carpenter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Melony, and Soule—10.

DECLINED—Mr. Anderson declined voting.

So the Senate concurred.

Mr. Griffith offered the following proviso to amendment made in Committee of the Whole to section fourteen:

"Provided, That the foregoing proviso shall not apply to the counties of Napa, Solano, Yolo, Contra Costa, and San Joaquin."

Mr. Baker moved a call of the Senate.

Lost.

The question being on the adoption of the proviso of Mr. Griffith, the ayes and noes were demanded by Messrs. Bell, Baker, and Griffith.

Mr. Baker moved a call of the Senate.

Lost.

Roll called.

Ayes, 14—noes, 10 :

AYES—Messrs. Allen, Dickinson, Ferguson of Sacramento, Grant, Griffith, Hamm, Hart, Holden, Ketchum, Merritt, Melony, Phelps, Soule, and Taliaferro—14.

NOES—Messrs. Baker, Berry, Burch, Burton, Bell, Coulter, Goodwin, Lewis, Sullivan, and Thom—10.

DECLINED—Messrs. Carpenter and Johnson of El Dorado declined voting.

So the amendment was adopted.

Mr. Holden offered the following amendment to section two :

After the word "person," in first line of section two, insert "who is entitled by the laws of this state to become a citizen thereof."

Adopted.

Mr. Holden offered the following amendment to section five, which was adopted :

At the end of section five, add "and the amount of money to be credited to the swamp land fund."

On motion of Mr. Holden, the vote by which the Senate adopted the amendment to section two, was reconsidered.

Mr. Ferguson of Sacramento moved to amend the amendment by striking out "is," and inserting the words "may be."

Carried.

Mr. Burch offered the following as a substitute for the amendment :

"Who is a citizen or eligible to citizenship."

Lost.

The amendment, as amended, was then adopted.

Mr. Holden moved to amend section five, by striking out the words "State Treasurer," and inserting "Comptroller."

Carried.

The bill was then read a third time.

The question being on the passage of the bill, Mr. Burton moved a call of the Senate.

Lost.

Mr. Baker asked leave of absence for Mr. Gregory, for the day, which was granted.

Mr. Burch moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Berry, Burch, and Carpenter, and taken, with the following result: Ayes, 15—noes, 14 :

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Carpenter, Dickinson, Ferguson of Sierra, Goodwin, Hamm, Johnson of El Dorado, Ketchum, Lewis, Rogers, and Thom—15.

NOES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Merritt, Melony, Pacheco, Sullivan, and Taliaferro—14.

So the Senate stood adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, April 2, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the the claim of Reuben S. Clark, for plans, drawings, and designs for a state capitol at Sacramento, have directed me to report the same back, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

The Committee on Hospitals made the following report:

MR. PRESIDENT:—The Committee on Hospitals, to whom was referred Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements at the state asylum for the insane, beg leave to report it back, and recommend its passage.

A. W. TALIAFERRO,

S. F. HAMM,

H. GRIFFITH,

L. W. KETCHUM.

Report accepted, and, with bill, placed on file.

Mr. Holden, chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT—The Committee on Public Lands, to whom was recommended Senate bill No. 143, for an act entitled an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges, with special instructions, herewith report the bill to the Senate, amended in accordance with instructions.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ferguson, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—Your Committee on Counties and County Bounda-

ries, to whom was referred Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties, with instructions to strike out all after the word "prevented" in the fifteenth line of section three, beg leave to report the same back, for the consideration of the Senate.

W. T. FERGUSON, Chairman.

Report accepted, and with bill, placed on file.

Mr. Johnson of El Dorado, reported back, verbally, Senate bill No. 38, an act to amend an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857, recommending the indefinite postponement of the bill.

Report accepted, and, with bill, placed on file.

Mr. Melony, by leave, presented the claim of C. Yager, county auditor of Contra Costa county, for making duplicate delinquent tax lists.

Referred to the Committee on Claims.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 6, or substitute for Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Bell, chairman of the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education beg leave to report back Assembly bill No. 156, entitled an act to provide for the preservation of school sections numbers sixteen and thirty-six, from waste and other injuries, with recommendation that it pass.

BELL, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Senate bill No. 238, entitled an act to prevent goats and stallions running at large, have had the same under consideration, and have instructed me to report the same to the Senate, without recommendation.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Pacheco, of the delegation, made the following report :

MR. PRESIDENT :—The delegation from Santa Barbara and San Luis Obispo, to whom were referred Assembly bills Nos. 405 and 406, being an act supplementary to an act to incorporate the city of Santa Barbara, passed April 9, 1850, and an act concerning coroners in the counties of San Luis Obispo and Santa Barbara, have had them under consideration,

and beg leave to report them back, without amendment, recommending the passage of the same.

R. PACHECO.

Report accepted, and, with bills, placed on file.

Mr. Bell made a verbal report on Assembly bill No. 385, an act concerning artesian wells in Santa Clara county, recommending its passage.

Report accepted, and bill placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 31, 1858.

To the Senate of California :

A bond, issued by the state for the sum of one hundred dollars, with three per cent. per month interest, under the act of February 1, 1850, creating a temporary loan, was presented to the board of examiners for payment.

The sinking fund created for the redemption of these bonds, was transferred last year to the general fund, and therefore it cannot be paid until an appropriation is made. It being a part of the debt of three hundred thousand dollars, which the Legislature had constitutional power to create, it should not be funded under the act ratified by the people at the last election. It may be proper to remark, that the interest on the bonds was stopped on the first of January, 1853.

I respectfully recommend an appropriation to satisfy this bond. It bears date on the 8th April, 1850.

JOHN B. WELLER,
President Board of Examiners.

On motion of Mr. Soule, message referred to the Committee on Claims. The following additional message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 2, 1858.

To the Senate of California :

I have, this day, approved an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county ;

Also, an act relating to the thirteenth judicial district, and to define the time of holding the courts in said district ;

Also, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854 ;

Also, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records, and indexes of records of said county, and fixing the amount of his compensation therefor.

JNO. B. WELLER.

The following additional message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 2, 1858.

To the Senate of California :

I herewith return to your honorable body, without approval, an act for the relief of James D. Potter. Upon the face of the bill, it seems that the services were performed in 1856, and under the construction which I give to the act of the 28th of April, 1857, ratified by a vote of the people,

all claims which existed against the state, prior to the 1st January, 1857, are to be funded. It is true that the amount appropriated (\$261) is small, but there are many other claims, of a similar character, which have been funded at this session, and I can see no reason why a distinction should be made amongst the creditors of the state. Justice certainly demands that they should be placed on an equal footing.

JOHN B. WELLER.

On motion of Mr. Burton, the bill and message were laid on the table.

Mr. Lewis, chairman of Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Gregory, by leave, introduced a bill for an act to legalize and confirm certain orders of the board of supervisors of Monterey county, and of Merced county, granting a charter to Andrew D. Firebaugh, to construct a turnpike road through Pacheco Pass in said county, and to collect tolls thereon.

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Chase, Senate bill No. 236, an act supplementary to an act entitled an act to amend an act to establish a standard of weights and measures, passed April 30, 1854, and Assembly bill No. 175, an act to amend an act entitled an act to amend an act to establish a standard of weights and measures, passed March 30, 1850—passed April 30, 1853, together with substitute for both bills, reported by Judiciary Committee, were taken from the file, and made the special order of the day for Saturday, April third, at twelve o'clock.

On motion of Mr. Burch, Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases, was taken from the file, and made the special order of the day for Saturday, April 3, at twelve o'clock.

On motion of Mr. Lewis, Senate bill No. 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, 1858, and ending on the thirtieth day of June, 1859, was taken from the file, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments made in Committee of the Whole adopted.

Mr. Carpenter offered the following amendment :

In section first, for salary of draughtsman, in the office of Surveyor General, strike out "twenty-four hundred," and insert "twelve hundred."

Upon which, the ayes and noes were demanded by Messrs. Carpenter, Dickinson, and Anderson.

Mr. Burch moved a call of the Senate.

Lost.

Upon the question on the adoption of the amendment, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 7—noes, 19:

AYES—Messrs. Anderson, Baker, Carpenter, Coulter, Dickinson, Phelps, and Soule—7.

NOES—Messrs. Allen, Berry, Burch, Burton, Bell, Chase, Ferguson of Sacramento, Garter, Goodwin, Grant, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Merritt, Rogers, Sullivan, Taliaferro, and Thom—19.

DECLINED—Mr. Melony declined voting.

So the amendment was lost.

Mr. Melony moved to strike out in section one, for the support of the insane asylum, the words, "forty-five thousand," and insert "seventy thousand."

Mr. Burton moved to amend the amendment by inserting "fifty-five thousand."

A division of the question being called for, the question was put on striking out "forty thousand," and carried.

The question recurring on the amendment to the amendment, to insert "fifty-five thousand," was put and carried.

The bill was then ordered engrossed, and to be read a third time.

On motion of Mr. Ferguson of Sacramento, Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken from the file, and made the special order of the day for Saturday, April 3d, at quarter before twelve o'clock, M.

SPECIAL ORDER OF THE DAY.

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison, was taken up.

Pending which, Mr. Burton offered the following resolution, which was adopted.

Resolved, By the Senate, the Assembly concurring, that the Governor be requested to furnish to the Legislature an estimate of the amount of appropriations that will be required for the state prison, from April first, 1858, to March first, 1859.

On motion of Mr. Berry, Senate bill No. 286, was made the special order of the day for Tuesday, April 6th, at twelve o'clock.

FURTHER SPECIAL ORDER.

Senate bill No. 44, an act in relation to a sea-wall or bulk-head, in the city and county of San Francisco, was taken up, and considered as in committee of the whole.

Mr. Soule offered as a substitute for the bill an act to provide for the construction of a bulk-head or sea-wall in front of the city and county of San Francisco.

On motion of Mr. Ferguson of Sacramento, the usual number of copies of the substitute was ordered printed, and the whole subject matter made the special order of the day for Wednesday, April 7th, at twelve o'clock.

FURTHER SPECIAL ORDER.

Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco, was taken up.

Mr. Soule moved to lay the bill on the table.

Upon which, the ayes and noes were demanded by Messrs. Soule, Phelps, and Grant, and taken, with the following result: Ayes, 9—noes, 20:

AYES—MESSRS. Anderson, Bell, Carpenter, Dickinson, Grant, Phelps, Rogers, Soule, and Sullivan—9.

NOES—MESSRS. Allen, Baker, Berry, Burch, Burton, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Melony, and Thom—20.

So the motion was lost.

The bill was then ordered engrossed, and to be read a third time.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills report that on the first day of April, 1858, at three o'clock, p. m., they presented to the Governor, for his approval, the following bills:

Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854;

Also, Senate bill No. 165, an act for the relief of James D. Potter;

Also, Senate bill No. 70, an act to audit certain claims;

Also, Senate bill No. 196, an act relating to the thirteenth judicial district, and to define the time of holding the courts in said district;

Also, Senate bill No. 195, an act to appropriate money for the relief of certain persons;

Also, Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records and indexes of records, of said county, and fixing the amount of his compensation;

Also, Senate bill No. 156, an act fixing the amount of compensation of the board of supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county;

Also, Senate joint resolution No. 26.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Governor:

Mr. Grant moved to dispense with the reading of the message.

Lost.

On motion of Mr. Burton, the message and accompanying papers were referred to the Committee on Military Affairs.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 2, 1858.

To the Senate of California:

In compliance with the resolution adopted by your honorable body on yesterday, I transmit, herewith, copies of letters which have passed between General Clark, commanding the Pacific department of the United

States army, and the Executive, on the subject of Indian aggressions in Shasta, Tehama, and Colusa counties. No other action has been had.

JOHN B. WELLER.

CAPITOL BUILDING, }
Sacramento, March 20, 1858. }

To Hon. John B. Weller, Governor of the State of California :

The undersigned senators and representatives from the counties of Tehama, Colusa, and Shasta, respectfully call your attention to the accompanying petition from the citizens of the counties above named, setting forth that the people on the frontiers of these counties, on the head of the Antelope and Rains Creeks, are suffering from Indian hostilities. We would further say, that during the past year a number of lives have been lost, a large amount of property stolen and destroyed, and that the lives of the people (including many families) are now in daily peril from the bands of Indians prowling around the settlements. The country is sparsely settled, the people are unable to subdue these Indians, and unless they have protection from some source, these settlements will have to be abandoned, and the Indians, emboldened by success, will peril the safety of neighboring settlements. We respectfully ask that you will call on the commanding officer of the Pacific division of the United States army to order out such troops to the scene of these Indian hostilities as may be required for their suppression.

Respectfully,

E. GARTER, Senator, Thirteenth District.

E. J. LEWIS, Tehama and Colusa.

CHAS. R. STREET, Assembly, Shasta.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 24, 1858. }

Brigadier General Newman S. Clarke, Commanding Pacific Division United States Army, San Francisco :

SIR:—I beg leave to call your attention to a copy of a letter, received at this department, (herewith inclosed,) conveying a petition from a large number of citizens residing in Tehama and Shasta counties, representing the numerous outrages committed by the Indians in certain localities, and the helpless condition of the inhabitants.

The senator and representatives from those counties, you will perceive, have requested me to notify you of these facts, in order that troops may be sent there to quell the disturbances, and give protection to the settlements. I have to request (if you can do so with propriety) that the necessary orders may be given to the troops under your command.

I am, sir, very respectfully,

Your obedient servant,

JOHN B. WELLER.

HEADQUARTERS, DEPARTMENT OF THE PACIFIC, }
San Francisco, March 29, 1858. }

SIR:—I have had the honor to receive your letter of the twenty-fourth instant.

I assure your Excellency that I am and shall always be desirous to comply with yours and the wishes of the people of California, in any matter of military protection within the scope of my means. I will observe to you that the force at command within the military department has been carefully distributed with views to protection against Indian aggres-

sion, so much so as to leave scarcely a remnant of troops for any additional distribution.

It will, therefore, readily occur to you that the withdrawal of any from the present stations would greatly endanger the peace and safety of inhabitants in their juxtapositions.

Nevertheless, I will endeavor to meet your wishes, by ordering a detachment of dragoons from Fort Cook to the region mentioned by you, as soon as the season will permit, sending hence a detachment to reinforce that post. I shall have the honor to inform you, in the sequel, what I shall have done in the matter.

I am, sir, very respectfully,

Your obedient servant,

N. S. CLARKE,

Colonel Sixth Infantry,

Brevet Brigadier General Commanding.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 31, 1858. }

Brig. Gen. Newman S. Clarke, Commanding Pacific Division U. S. Army, San Francisco :

SIR:—I have to thank you for your letter of the 29th inst. I do not doubt your disposition to do all in your power with the force under your command, to protect the lives and property of our citizens against the aggressions of the Indians. In the meanwhile, I will be much obliged, if you can give me the strength of the different posts established in this state. When important changes are made in the strength of them, would it be troubling you too much to direct your Assistant Adjutant General to report them to me?

You can readily see that this information will be valuable to me in discharging the duties imposed upon me as the chief Executive of the state.

Again thanking you for your prompt reply,

I am, sir, very respectfully,

Your ob't serv't,

JNO. B. WELLER.

Mr. Burton offered the following resolution :

Resolved, That the Senate devote two hours each day to the consideration of business on the general file, until the same be disposed of.

Mr. Griffith moved to amend by adding the words, "commencing at 12 o'clock, on and after Monday next."

Carried.

Mr. Berry moved to indefinitely postpone the resolution.

Lost.

The resolution, as amended, was then adopted.

Mr. Lewis moved to adjourn.

Lost.

FURTHER SPECIAL ORDER.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was taken up.

Mr. Merritt moved the usual number of copies of the bill be printed.

Lost.

The bill was then considered in Committee of the Whole.

Pending which, the following messages were received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

Also, Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853;

And on the 31st ultimo, amended and passed Senate bill No. 36, an act supplementary to and amendatory of an act to provide for the support of the government of this state, passed April 29, 1857, and ask the concurrence of the Senate.

J. NORMAN BINGAY, Ass't Clerk.

MR. PRESIDENT:—The Assembly, on the 31st ultimo, passed Assembly bill No. 160, an act supplementary to an act to regulate rodeos, passed April 30, 1857;

And Assembly bill No. 312, an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 362 was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 36—the question being on concurring in amendments made by Assembly, Mr. Bell moved to make the bill the special order for Friday next.

Lost.

Mr. Bell moved to lay the bill on the table.

Lost.

Mr. Melony moved to adjourn.

Lost.

Mr. Chase moved the previous question.

Sustained.

The question, being "Shall the main question be now put?" was put and carried.

The main question, being on concurring in amendments of Assembly, was put and carried.

Mr. Bell gave notice of a reconsideration of the vote just taken.

Assembly bill No. 160 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 312 was read first and second times, and referred to the delegation from San Luis Obispo and Santa Barbara.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 2, 1858. }

MR. PRESIDENT:—The Assembly, to-day, concurred in Senate amendments to Assembly bill No. 225, an act granting the privilege to Charles

Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage.

Also, in Senate amendments to Assembly bill No. 65, an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their elections, and define their duties in certain cases, and establish their salaries.

Also, in Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Also concurred in Senate concurrent resolution No. 36, authorizing the Secretary of State to correct the title of Senate bill No. 188, approved March 29, 1858;

And in Senate concurrent resolution No. 32, relative to a joint convention for the purpose of electing a Quartermaster General, and two trustees for insane asylum;

Also, have passed Assembly bill No. 279, an act to amend and amendatory of an act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1854;

Also, Assembly bill No. 297, an act to fix the amount of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno;

And Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate school-land warrants, in lieu of certain warrants destroyed.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 279 was read first and second times, and referred to the Committee on Hospitals.

Assembly bill No. 309 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 297, was read first and second times, and referred to the delegation from Merced, Tulare and Fresno.

On motion of Mr. Ferguson, Assembly bill No. 37 was made the special order of the day for to-morrow, Saturday, April 3, at twelve o'clock.

Mr. Rogers, of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, and have, to-day, presented the same to the Governor.

GEO. H. ROGERS, of the Committee.

Report accepted.

On motion of Mr. Berry, Assembly bill No. 369, an act to extend the time for making the assessment and the collection of taxes, in the county of Siskiyou, was taken from the file, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee adopted, bill read a third time, and passed.

On motion of Mr. Griffith, Senate bill No 182, an act to authorize the construction of certain wharves, was taken from the table, and placed at foot of the calendar.

On motion of Mr. Soule, Assembly bill No. 44, an act to ascertain the

amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof," was taken from the table, and placed at foot of calendar.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

SATURDAY, April 3, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of Friday the 2d, read and approved.

REPORTS.

Mr. Burton, chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of the *Echo de Pacifique*, for advertising election proclamation, etc., in 1854;

And the claim of State Telegraph Company for dispatches furnished the Governor's office in the months of June, July, August, September, October, and November, 1856;

And the claim of Horace Wheeler, for Indian goods, furnished Quartermaster's Department at Los Angeles, in 1852;

Have directed me to report the same back, and recommend that they be rejected.

The claim of Samuel Deal, for arresting an escaped convict, and delivering him to the state prison in June, 1855;

And Senate bill No. 234, an act for the relief of W. H. Peterson, being one thousand dollars reward offered by the Governor, in 1855, for the arrest of the murderer or murderers of Messrs. Wall and Williamson, in 1855;

And the claim of the city water-works, for water supplied the capitol, in 1856;

Have directed me to report the same back, with the accompanying bill and substitute, and recommend the petition of Messrs. Shafter and Heydenfeldt be referred to the Judiciary Committee.

E. F. BURTON, Chairman.

Reports accepted, and, with claims, and bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following reports:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 26, an act concerning roads and highways, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred the report of the Committee on Claims, in relation to the claim of the late Hamilton Bowie, against the state, for supplies furnished the state prison, have had the same under consideration, and report that your committee find different parties, setting up interests adversely to each other as to said claims, or portions of said claims. That the committee will not undertake to determine the questions of law and fact, necessary to be determined in order to establish the rights of such parties, but are of the opinion that the claim should be audited and allowed for so much as may be found equitably due, and that bonds should be issued to the legal representatives or legal assignees of said Hamilton Bowie, as may be determined by the proper tribunals to be entitled thereto, and herewith report a bill and recommend the reference of the same, together with the papers in the case, to the Committee on Claims, for the purpose of ascertaining the amount due on the claim of the said Bowie, and filling the blank in the bill, with such amount.

S. H. CHASE, Chairman.

Report accepted, and, with bill, and papers, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 117, an act to regulate the creation of homesteads, have had the same under consideration, and recommend its passage, without amendment;

Senate bill No. 248, an act to amend an act to regulate proceedings in civil cases, passed May 1st, 1851, a majority of the committee recommend its passage;

Also, Senate bill No. 277, an act to amend an act entitled an act to provide for the appointment, and prescribe the duties of guardians, approved April 19, 1850, and recommend its indefinite postponement;

Also, Senate bill No. 208, a bill for an act to provide for the sale of certain property therein described, and recommend that it be referred to a special committee, whose duty it is to consider the San Francisco slip property;

Also, Senate bill No. 240, an act supplementary to, and amendatory of, an act entitled an act to provide for the sale of the interest of the state of California in the property within the water-line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26th, 1851, passed May 18th, 1853, referred to special committee on San Francisco slip property.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

The delegation from Shasta submitted the following report :

MR. PRESIDENT :—The delegation from Shasta, to whom were referred Assembly bills Nos. 386 and 376, the first named bill, an act to regulate the issue of county warrants in the county of Shasta, and the last named bill, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness, report the same back to the Senate, and recommend the passage of the said bill No. 386, and also recommend said bill No. 376, with the following amendments, viz. :

In section two, strike out in the second line, the words "one-half of." Add section seven to the bill :

Section seven—It is hereby made the duty of the board of supervisors of said county to order to be paid into the fund created by this act (to be held and disbursed as therein provided) all moneys which shall be received into the treasury for the year A. D. 1858, in accordance with the levy of the tax made by the board of supervisors in said year, by authority of an act entitled an act to provide for the payment of the indebtedness of the county of Shasta, contracted prior to the first day of May, A. D. 1857, approved March 31, 1857.

Strike out — section of the bill as it now stands, and insert instead thereof section eight, which shall read as follows, namely :

Section eight—An act to provide for the payment of the indebtedness of the county of Shasta, contracted prior to the first day of May, A. D. 1857, approved March 31st, 1857 ; so far as the same or any provisions thereof are in conflict with the provisions of this act, and all other acts, and parts of acts, conflicting with the provisions of this act, are hereby repealed.

E. GARTER, Shasta delegation.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, yesterday, passed Assembly bill No. 384, an act concerning trustees other than executors ;

Also, the Assembly, to-day, passed Senate bill No. 173, an act to audit the claim of R. G. Crozier.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 384, was read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, by leave, made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 297, an act to fix the amounts of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno, beg leave to report the same back, and recommend its passage, without amendment.

Respectfully submitted,

S. A. MERRITT.

On motion of Mr. Merritt, the rules were suspended, bill read a third time, and passed.

Mr. Melony made the following report, which was adopted :

MR. PRESIDENT:—YOUR Committee on Agriculture, to whom was referred Assembly bill No. 160, entitled an act supplemental to an act to regulate rodeos, passed April 30, 1851, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage, with the following amendment.

In the tenth line, section one, after "give," insert "three days."

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Chase, by leave, introduced a bill for an act concerning partition deeds of minors, in certain cases, which was read first and second times, and referred to the Judiciary Committee.

Mr. Bell, in accordance with notice previously given, moved to reconsider the vote by which the Senate concurred in Assembly amendments to Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857.

Mr. Berry moved to indefinitely postpone the motion to reconsider.

After discussion, Mr. Berry moved the previous question, which was sustained.

The main question, being the motion to indefinitely postpone the motion to reconsider, was put, and carried.

On motion of Mr. Burton, the secretary of the Senate was directed to transmit to the Assembly certain papers and documents relative to claims of the Pacific Express Company.

The hour having arrived for the consideration of the special order of the day, Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken up.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Holden, Griffith, and Burton, and taken, with the following result:

AYES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Melony, Phelps, Soule, and Thom—15.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Coulter, Dickinson, Garter, Johnson of El Dorado, Lewis, and Sullivan—11.

So the bill was passed.

Mr. Carpenter gave notice of a motion to reconsider the vote just taken.

FURTHER SPECIAL ORDER.

Senate bill No. 172, an act to prohibit champerty, and forced sales of land not in possession of judgment debtors, in the city and county of San Francisco, was taken up.

Mr. Burch moved the indefinite postponement of the bill, upon which the ayes and noes were demanded by Messrs. Gregory, Merritt, and Berry, and taken, with the following result—ayes, 12; noes, 14:

DECLINED—Messrs. Ferguson of Sierra, and Bell.

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Chase, Coulter, Dickinson, Gregory, Hamm, Hart, and Pacheco—12.

NOES—Messrs. Allen, Carpenter, Ferguson of Sacramento, Grant, Grif-

fith, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Phelps, Soule, Sullivan, and Thom—14.

So the motion was lost.

The bill was then ordered to be engrossed, and read a third time.

On motion of Mr. Ferguson of Sacramento, Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unpaid claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was taken up, and made the special order of the day for Wednesday, April 7, at twelve o'clock, M.

On motion of Mr. Gregory, Senate bill No. 117, an act to regulate the creation of homesteads, reported by the Judiciary Committee, this day, and passage recommended, was taken from the file, ordered printed, and made the special order of the day for Thursday, April 8, at twelve o'clock, M.

On motion of Mr. Allen, Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte, was taken from the table, and placed on the calendar.

FURTHER SPECIAL ORDER.

Senate bill No. 236, an act supplementary to an act entitled an act to amend an act to establish a standard of weights and measures, passed April 30, 1854; and,

Assembly bill No. 175, an act to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, passed April 30, 1853, with substitute reported from the Judiciary Committee;

Were taken up.

On motion of Mr. Chase, the substitute was adopted, considered engrossed, read a third time, and passed.

FURTHER SPECIAL ORDER.

Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases, was taken up and considered in Committee of the Whole, and reported back, without amendment.

IN SENATE.

Mr. Burton offered the following amendment:

Add to section: "*Provided*, that the same be paid out of any moneys paid into the state treasury, on account of the judgments aforesaid."

Lost.

Mr. Ferguson moved to suspend the rules, consider the bill engrossed, and read a third time.

Carried.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Holden, and Burton, and taken, with the following result: Ayes, 18—noes, 4:

AYES—Messrs. Anderson, Allen, Berry, Burch, Chase, Coulter, Fergu-

son of Sacramento, Ferguson of Sierra, Garter, Grant, Holden, Johnson of Sacramento, Johnson of El Dorado, Merritt, Melony, Phelps, Soule, and Thom—18.

NOES—Messrs. Baker, Burton, Carpenter, and Hamm—4.

So the bill was passed.

Mr. Grant made the following report :

MR. PRESIDENT :—The delegation from San Francisco and San Mateo, to whom was referred a bill for an act for the relief of Hugh O'Donnell, have had the same under consideration, report the same back to the Senate, and recommend that the same be indefinitely postponed.

GRANT, for the Delegation.

Report accepted.

Bill made the special order of the day for Wednesday, seventh instant, at twelve o'clock.

Mr. Thom made the following motion :

That the Judiciary Committee be requested to examine fully into the cases in which the state was interested that the Attorney General did not attend to, and report to the Senate as to whether he is not responsible upon his official bond for the amount this day allowed by the Senate to Frank Hereford, for professional services, and in the event of their concluding that he is so responsible, that they report a resolution to that effect, and calling on the present Attorney General to commence suit forthwith upon the aforementioned official bond.

Mr. Burch moved that the Senate adjourn.

Lost.

Mr. Griffith moved a call of the House.

Lost.

On motion of Mr. Carpenter, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest : THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

MONDAY, April 5, 1858.

Senate met pursuant to adjournment.

Mr. Merritt, President *pro tem.* in the chair.

Roll called.

Absent—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Goodwin, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Melony, Phelps, Rogers, Soule, and Sullivan.

There being no quorum present, on motion of Mr. Burton, the sergeant-at-arms was dispatched for the absentees.

Messrs. Allen and Garter appearing at the bar of the Senate, were admitted.

At one o'clock, Mr. Chase moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Burch,

Gregory, and Taliaferro, and taken, with the following result: Ayes, 7—noes, 4:

AYES—Messrs. Allen, Berry, Burton, Chase, Coulter, Garter, Pacheco—7.

NOES—Messrs. Burch, Gregory, Hamm, and Merritt—4.

So the Senate stood adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, April 6, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Phelps.

Journals of Saturday read and approved.

Journals of Monday read and approved.

Mr. Carpenter, by leave, introduced the following resolution, which was adopted:

Resolved, That Assembly bill No. 112, entitled an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, having been reported to the Assembly during the pendency of a notice for reconsideration of the vote by which said bill passed the Senate; therefore,

Resolved, That the secretary request the Assembly to return said bill to the Senate.

Mr. Burton presented Comptroller's warrant, No. 680, for \$400, for E. D. Sawyer, for supplies furnished state prison, which was referred to the Committee on Claims.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

And an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853—passed April 30, 1855;

Also, Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855;

Also, Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857;

Also, Senate bill No. 147, appropriating money for transporting to the insane asylum, certain insane convicts;

Also, Senate bill No. 159, an act to improve the navigation of Petaluma Creek;

Also, Senate bill No. 192, an act to audit the claim of Pacific Express Company;

Also, Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11th, 1857;

And find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted, and placed on file.

Mr. Chase reported back, verbally, Assembly bill No. 407, an act amendatory of and supplementary to an act to incorporate the city of Nevada, approved April 19, 1856, recommending its passage.

Report accepted, and, on motion of Mr. Chase, the rules were suspended, bill read a third time, and passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 291, was read first and second times, and referred to the San Francisco delegation.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, to-day, passed Assembly bill No. 168, an act for the protection of keepers of livery-stables, and wagon and drove-yards;

Also, Assembly bill No. 303, an act to suppress injurious publications.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 168 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 303 was read first and second times, and referred to the Committee on Public Morals.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on April 2d, 1858, adopted Senate amendments to Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage;

And, on Saturday, April 3d, 1858, passed Assembly bill No. 207, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands;

Also, Assembly bill No. 393, an act amendatory of and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

Also, Assembly bill No. 332, an act to audit the claim of Adam Schuppert;

Also, Assembly bill No. 345, an act to audit and allow the claim of Ferris Forman;

Also, Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same;

Also, Assembly bill No. 335, an act to authorize the construction of a bridge across the Pajaro river;

Also, Assembly bill No. 322, an act amendatory of an act entitled an act fixing the salaries of the county judges and of the district attorney of the county of Tulare, approved April 16, 1856;

Also, Senate bill No. 160, an act fixing the compensation of the members of the board of supervisors of Stanislaus county, with amendments;

And Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, with amendments, and ask the concurrence of the Senate;

Also, adopted substitute for Assembly concurrent resolution relative to removal of Indians;

And, concurred in Senate concurrent resolution No. 37, requesting the Governor to furnish the Legislature with an estimate of the appropriation necessary for the support of the state prison;

Also, indefinitely postponed Senate bill No. 27, an act to amend an act entitled an act concerning sheriffs, passed April 29th, 1851;

And, concurred in Senate amendments to Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra;

And, Assembly bill No. 254, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state;

And, Assembly bill No. 369, an act to extend the time for making the assessment and collection of taxes, in the county of Siskiyou.

J. W. SCOBEE, Clerk.

APRIL 5, 1858.

Assembly bill No. 207 was read first and second times, and referred to Committee on Commerce and Navigation.

Assembly bill No. 393 was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 332 was read first and second times, and placed on the calendar.

Assembly bill No. 345 was read first and second times, and placed on the calendar.

Assembly bill No. 305 was read first and second times, and referred to the Senator from that district.

Assembly bill No. 335 was read first and second times, and referred to the delegation from Monterey.

Assembly bill No. 322 was read first and second times, and referred to the delegation from Tulare.

Senate bill No. 160, amendments made by Assembly concurred in.

Senate bill No. 11, amendments made by Assembly concurred in.

Substitute for Assembly concurrent resolution relative to removal of Indians, was read and referred to the Committee on Federal Relations.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 34, an act to amend the act concerning sheriffs, passed April 29, 1851;

Also, Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, A. D. 1850;

Also, Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes;

Also, Assembly bill No. 417, an act to declare Nueces and Diablo Creeks, in the county of Contra Costa, navigable streams;

Also, refused to concur in Senate amendments to Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851;

Also, adopted Assembly concurrent resolution, providing for joint convention for election of Quartermaster General, and trustees of insane asylum;

Also, Assembly concurrent resolution relative to joint committee of Senate and Assembly on state prison bills, and appointed Messrs. Galbraith, Havens, Lee, and Lewis, on the part of the House;

Also, passed Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851;

Also, Senate bill No. 191, an act to audit the claim of Pacific Express Company;

Also, passed, with amendments, Senate bill No. 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the time for holding the terms of the district court of the second judicial district;

Also, on the third, receded from Assembly amendments to Senate bill No. 60, an act to provide for the better observance of the Sabbath;

Also, on yesterday, passed Senate bill No. 24, an act to amend the act of April 27, 1855, concerning lawful fences;

Also, adopted Assembly joint resolution No. 10, in relation to the release of J. M. Ainsa, an American citizen, held captive in Sonora, Mexico;

And passed Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house, and completing the same;

And, on the third instant, passed Assembly bill No. 290, an act for the relief of the county of Santa Barbara;

And, on the fifth instant, concurred in Senate amendments to Assembly bill No. 112, an act to provide for the sale and reclamation of swamp and overflowed lands of this state;

Also, on the third instant, passed Assembly bill No. 413, an act providing for registration of marriages, births, divorces, and deaths, in California.

J. W. SCOBEEY, Assembly Clerk.

Assembly bill No. 34 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 293 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 295 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 299 was read first and second times, and referred to the delegation from San Diego.

Assembly bill No. 417 was read first and second times, and, on motion of Mr. Melony, the rules were suspended, bill read third time, and passed.

Assembly bill No. 160 was, on motion of Mr. Melony, laid on the table.

Assembly concurrent resolution relative to joint convention to elect Quartermaster General and trustees of insane asylum—

Mr. Anderson moved to refer the resolution to a special committee of three.

Upon which, the ayes and noes were demanded by Messrs. Taliaferro, Gregory, and Burch, and taken, with the following result: Ayes, 6—noes, 22:

AYES—MESSRS. Anderson, Baker, Holden, Johnson of Sacramento, Rogers, and Soule—6.

NOES—MESSRS. Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Garter, Grant, Gregory, Hamm, Hart, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Sullivan, Taliaferro, and Thom—22.

So the motion was lost.

The question being on concurring in the resolution, the ayes and noes were demanded by Messrs. Anderson, Gregory, and Lewis, and taken, with the following result: Ayes, 23—noes, 8:

AYES—MESSRS. Allen, Berry, Burch, Bell, Chase, Coulter, Garter, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Sullivan, Taliaferro, and Thom—23.

NOES—MESSRS. Anderson, Baker, Burton, Carpenter, Dickinson, Ferguson of Sierra, Grant, and Soule—8.

So the Senate concurred.

Mr. Rogers gave notice of a reconsideration of the vote just taken.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have directed me to return to the Senate, Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, in compliance with the request of the Senate.

J. W. SCOBEE, Clerk.

Mr. Carpenter, pursuant to notice, moved to reconsider the vote by which the Senate, on the 3d instant, passed Assembly bill No. 112.

Mr. Griffith moved to make the motion to reconsider, the special order of the day for to-morrow, Wednesday, April 7, at twelve o'clock, M.

Mr. Carpenter moved a call of the Senate.

Lost.

The question, being on Mr. Griffith's motion, was put, and lost.

The question recurring on Mr. Carpenter's motion to reconsider, the ayes and noes were demanded by Messrs. Burch, Griffith, and Melony, and taken, with the following result: Ayes, 17—noes, 11:

AYES—MESSRS. Anderson, Baker, Berry, Burch, Burton, Carpenter, Coulter, Garter, Hamm, Johnson of El Dorado, Ketchum, Lewis, Merritt, Pacheco, Rogers, Soule, and Sullivan—17.

NOES—MESSRS. Allen, Bell, Chase, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Melony, Taliaferro, and Thom—11.

DECLINED—Messrs. Dickinson and Ferguson of Sierra declined voting.

EXCUSED—Mr. Gregory was excused.

So the motion was carried.

On motion of Mr. Griffith, the bill was made the special order of the day for Wednesday, April 7, at half-past eleven o'clock, A. M.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 172, an act to prohibit champerty and forced sales of lands not in possession of judgment-debtors, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 6, 1858. }

To the Senate of California :

I have, this day, approved an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California.

JOHN B. WELLER.

Assembly concurrent resolution, relative to joint committee of Senate and Assembly on state prison, was concurred in.

Senate bill No. 198, amendments made by Assembly concurred in.

Assembly joint resolution No. 10 was read first and second times, and referred to the Committee on Federal Relations.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly are now ready to meet the Senate in Joint Convention, for the election of Quartermaster General, and insane asylum trustees.

J. W. SCOBEEY, Clerk.

The hour having arrived for the Joint Convention of the two Houses, for the election of Quartermaster General, and for trustees of the insane asylum, the Senate proceeded, with the president and its officers, to the Assembly Chamber.

Convention called to order by president of the Senate.

Senate roll called.

Quorum present.

Assembly roll called.

Quorum present.

Concurrent resolution, adopted by the Senate and Assembly, for the Joint Convention, read, and the president announced nominations for a Quartermaster General to be in order.

Mr. Lewis of the Senate, nominated Wm. C. Kibbe.

Mr. Grant of the Senate, nominated Thos. D. Johns.

Mr. Warfield of the Assembly, nominated J. H. Tatman.

Nominations being closed, the roll of the Convention was called, with the following result:

KIBBE—Assembly: Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clarke, Crane, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hancock, Harris, Havens, Heath,

P. Edward Connor and W. H. Lyons having received a majority of all the votes cast, were declared by the president duly elected trustees of the state insane asylum.

The objects for which the Convention convened having been accomplished, the Convention adjourned, and the Senate returned to its chamber.

IN SENATE.

Mr. Gregory moved to take from the table Senate joint resolution No. 14, relative to a modification of the pre-emption laws of California.

Carried.

On motion of Mr. Gregory, the resolutions were made the special order of the day for Thursday, April 8, at half-past eleven o'clock, A. M.

CONSIDERATION OF ASSEMBLY MESSAGE RESUMED.

Assembly bill No. 311 was read first and second times, and referred to the delegation from Los Angeles.

Assembly bill No. 290 was read first and second times, and placed on the calendar.

Assembly bill No. 413 was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, to-day, passed Assembly bill No. 174, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 174 was read first and second times, and, on motion of Mr. Grant, the rules were suspended, bill read a third time, and passed.

REPORTS.

Mr. Grant, of the delegation, made the following report :

MR. PRESIDENT :—The committee consisting of the delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco, have had the same under consideration, and report it back to the Senate, without amendment, and recommend its passage.

GRANT, for the Delegation.

Report accepted, and, with bill, placed on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison, was, on motion of Mr. Burton, referred to the joint committee on state prison bills.

Mr. Burton moved to reconsider the vote just taken, which was carried, and, on motion of Mr. Burton, the bill was laid on the table.

Mr. Melony moved to reconsider the vote by which the Senate concurred in Assembly concurrent resolution relative to a joint committee on state prison bills.

Carried.

Mr. Melony moved to strike out, in the resolution, the words "three," and insert "four," which was carried, and, on motion of Mr. Melony, the resolution was laid on the table.

Mr. Griffith made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856, have considered the same, and recommend that the bill be indefinitely postponed, for the following reasons:

The intent and effect of the bill under consideration will be to entirely ignore the original contract made by the owner of a building with the builder, and compel him, even though he may have received no notice from sub-contractors or laborers, to pay them whatever may be due them from the original contractor, although he may have already paid the full contract price, thus making him responsible to persons with whom he has made no contract, and compelling him to pay twice for the building, without giving him any adequate protection. This, your committee cannot consider equitable or just; therefore, we recommend the indefinite postponement of the bill.

HUMPHREY GRIFFITH, for Committee.

Report accepted, and, with bills, placed on file.

GENERAL FILE.

Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was read a third time, and, on motion of Mr. Carpenter, made the special order of the day for Saturday, April 10th, at two o'clock, P. M.

Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, was read a third time, and passed.

Senate bill No. 244, an act for the relief of David Scannell, late sheriff of San Francisco, was read a third time, and, on motion of Mr. Griffith, the bill was made the special order of the day for Wednesday, April 7th, at two o'clock, P. M.

Senate bill No. 26, an act concerning roads and highways, was read a third time, and passed.

Senate bill No. 172, an act to prohibit champerty and forced sales of lands not in possession of judgment debtors, in the city and county of San Francisco, was read a third time.

Mr. Chase moved to make the bill the special order of the day for Friday, April 9th, at two o'clock, P. M., which was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Gregory, and Griffith, and taken, with the following result:

AYES—Messrs. Griffith, Soule, and Thom—3.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Grant, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Melony, Pacheco, Sullivan, and Taliaferro—24.

So the Senate refused to pass the bill.

Senate bill No. 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19, 1853, was ordered engrossed, and to be read a third time.

Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851, was considered as in Committee of the Whole.

IN SENATE.

Amendments of committee adopted, and bill laid over.

Senate bill No. 246, an act supplementary and amendatory to an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1853, and to the several acts amendatory and supplementary thereto, was ordered engrossed, to be read a third time.

Senate bill No. 235, an act organizing the university of the state of California under the name of The Regents of the University of the State of California, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole, adopted.

Mr. Merritt in the chair.

Mr. Ketchum moved to strike out in section four the word "and," and insert "and Secretary of State."

Carried.

The bill was then ordered engrossed, to be read a third time.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 6th, 1858. }

To the Senate of California:

I have received full reports from all the officers in charge of the state prison, but as they are voluminous, I have not deemed it necessary to transmit copies of them to the Senate. It will give me pleasure, however, to place the originals in the hands of the joint committee on state prison, for the inspection and for the use of the Legislature. The detailed reports are made out in such a manner as to show the daily issue of commissary stores to the officers and prisoners, in accordance with the plan pursued in the army. When supplies are required, the commissary makes out a regular requisition on me, specifying the articles, etc. This is countersigned by the warden, and sent to me for my approval before the purchase is made.

During the month of March, the expenses were necessarily large, as partitions had to be made in the lower story of the prison, and all the boats were found unseaworthy. Besides, the armory was badly supplied with arms and ammunition. The cost of materials for the partitions, and for caulking and refitting boats, and for the armory, amounts to the sum of about \$1,400, which ought not to be charged to expenses of this month. The expenses were, also, increased, in consequence of the high price of beef and flour. The reduction in these two articles alone, will make during the present month, a difference of some \$1,200.

A correct account was taken of all the commissary stores on hand the day I took possession; and in fixing their value, I was governed by the prices of the same articles in the market at that time.

The amount required for the commissariat during the month of April, in addition to the supplies now on hand, is, - -	\$2,650
For clothing, and materials for tailor and shoe shops, - -	700
For the remaining shops, under charge of superintendent of labor, - - - - -	250
Pay of officers and guards, - - - - -	1,850
Contingent and incidental expenses, - - - - -	200
	<hr/>
	\$5,650
Deduct from this, cash on hand, - - - - -	1,789
	<hr/>
Amount required for the month of April, - - - - -	\$3,861

I believe, however, that a still larger supply of clothing than that estimated by the commissary, ought to be provided for the comfort of the convicts, and, therefore, I have increased his estimate.

The expenditures during the month of March may be thus stated :

Commissary department, including clothing, new blankets, etc., is, - - - - -	\$3,733
Pay of officers and guards, - - - - -	1,865
	<hr/>
Expenses proper, - - - - -	\$5,598
Materials for partition walls, and for repairing boats, and for guns and ammunition, - - - - -	1,370
For a whaling boat, - - - - -	130
Expenses for taking possession of prison, hire of boats, etc., -	375
	<hr/>
	\$7,473
Amount drawn from the treasury is, - - - - -	8,211
	<hr/>
Which leaves a balance unexpended, in the treasury, of - -	\$1,789

It may be proper to remark, that I have not yet settled with the Lieutenant Governor and Secretary of State, who are charged with the auditing of my accounts; and this balance may not be found precisely correct, although it certainly cannot vary much.

In examining this statement, it should be borne in mind, that \$1,875 does not properly belong to the expenses of March, as they were permanent improvements, etc. If this amount be deducted, you then have, as the expenses of feeding and clothing the prisoners, and paying the officers and guard during that month, the sum of \$5,598.

I have, also, caused estimates to be made of the value of the labor performed by the convicts during the month, and it may be stated thus :

Shoe and tailor shops, in charge of commissary, - - -	\$628
Other shops and working parties, under Capt. Gordon, - -	4,902
Working parties, under Capt. Simpton, - - - - -	326
	<hr/>
	\$5,856

This work was all necessary, and the detailed report of the officers show, that with free labor, it would have cost the state \$5,856. This calculation would make the labor of the convicts exceed the cost of supporting and guarding them, \$228.

To work the convicts profitably during the year, steps should be taken at once to procure more land, as the soil adapted to the manufacture of brick will soon be exhausted, and they cannot be usefully employed at that point in any other labor.

The whole number of convicts in the prison, on the first of March, was 526; the number, on the 31st ultimo, was 533; showing an increase of seven during the month. During that period, twenty-four were received at the prison, ten discharged by expiration of term of sentence, two pardoned, three term expired and restored to citizenship; one transferred to lunatic asylum, and one died. Sixteen attempted to escape, but none succeeded.

As the officers and guard seem to have been faithful in the discharge of their duties, I have only found it necessary to dismiss one employee since my last communication on this subject.

I recommend an appropriation of \$15,000, to pay the expenses of the institution the remainder of the present fiscal year.

For the next fiscal year, I recommend an appropriation of \$70,000, and if the Legislature should determine that another prison shall be erected at San Quentin, then I recommend that the amount be increased to \$85,000. A large amount of the appropriation (say \$25,000) will be necessary to purchase the wood for the brick-kilns.

If the institution is properly managed, in my opinion, a very large proportion of this sum can be returned to the treasury before the close of the year.

JOHN B. WELLER.

On motion of Mr. Berry, Senate bill No. 229, an act to audit the claim of J. Tyson, was taken from the table, and placed on the calendar.

On motion of Mr. Holden, Senate bill No. 197, with substitute, an act recommending to the electors to vote for or against a convention to revise and change the constitution of the state, was taken from the table, and placed at foot of calendar.

On motion of Mr. Thom, Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal, and to appropriate money to pay for the same, was taken from the table, and placed at foot of calendar.

Mr. Soule offered the following resolution, which was adopted :

Resolved, That the president and sergeant-at-arms of the Senate, are hereby directed to audit and allow the accounts of Geo. H. Rogers, for the sum of fifty dollars, and of Samuel A. Merritt, for the sum of fifty dollars; and the Comptroller be directed to draw his warrant on the contingent fund of the Senate, in favor of said Geo. H. Rogers and Samuel A. Merritt, for the said sum of fifty dollars each, for mileage, as members of the joint committee to visit Oakland.

Mr. Garter offered the following resolution, which was adopted :

Resolved, That Edward F. Conway be, and is hereby, allowed the sum of \$134 50, being one-half of the amount of pay for services and mileage, from first day of March, to the twenty-third day of same month, as clerk to the special joint committee appointed to visit the state prison, and ascertain the quantity, quality, variety, and value of all property found in the state prison grounds; and that the Comptroller be directed to draw

his warrant on the State Treasurer, in favor of said Conway, for said sum, payable out of the contingent fund of the Senate.

Mr. Garter, by leave, offered the following resolution, which was adopted :

Resolved, That C. E. Thom and E. Garter, be allowed each the sum of sixty-two dollars for mileage, as members of the special joint committee appointed to visit the state prison, and that the Comptroller be directed to draw his warrant on the State Treasurer, in favor of said Thom and Garter each, respectively, for the said sum of sixty-two dollars, payable out of the contingent fund of the Senate.

Mr. Sullivan, by leave, introduced a bill for an act to empower the board of supervisors and auditor of the city and county of San Francisco, to allow, audit, and satisfy certain claims therein mentioned.

On motion of Mr. Melony, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

WEDNESDAY, April 7, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

On motion of Mr. Holden, the vote by which the Senate, on yesterday, concurred in Assembly amendments to section twelve of Senate bill No. 11, was reconsidered, and, on motion, the Senate refused to concur in the amendment of Assembly to section twelve.

On motion of Mr. Burton, the bill was laid on the table.

On motion of Mr. Burton, Assembly bill No. 290, an act for the relief of Santa Barbara county, was taken from the file, and referred to the delegation from Santa Barbara.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken up.

Mr. Ferguson of Sacramento moved to postpone the consideration of the bill until to-morrow, Thursday, April 8, at half-past eleven o'clock,

A. M.

Carried.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 5th instant, passed Assembly bill No. 19, an act to amend an act entitled an act to protect owners of growing crops, buildings, and other improvements in the mining districts of this state, approved April 25, 1855 ;

Also, on yesterday, passed Assembly bill No. 347, an act to audit certain claims ;

Also, Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt;

Also, Assembly bill No. 410, an act for the relief of certain persons;

Also, adopted Assembly joint resolution No. 9, instructing our senators and requesting our representatives to have American consuls established at the ports of Guaymas, Mazatlan, Manzanillo, and La Paz.

Also, Assembly concurrent resolution relative to break-water at San Luis Obispo.

J. W. SCOBEEY, Clerk.

APRIL 7, 1858.

Assembly bill No. 19 was read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 347 was read first and second times, and placed at the foot of the calendar.

Assembly bill No. 372 was read first and second times, and referred to the delegation from Klamath.

Assembly bill No. 410 was read first and second times, and placed at the foot of the calendar.

Assembly joint resolution No. 9 was read first and second times, and referred to the Committee on Federal Relations.

Assembly concurrent resolution was concurred in.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 7, 1858. }

To the Senate of California:

I have, this day, approved an act to appropriate money for the relief of certain persons;

Also, an act to audit certain claims.

JOHN B. WELLER.

Mr. Ferguson of Sierra, chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Senate bill No. 281, an act providing for the construction of a wagon road, have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its indefinite postponement.

W. T. FERGUSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ketchum introduced a bill for an act indemnifying the Catholic congregation of Drytown for the loss of a church destroyed by a mob, August 21, 1855.

Read first and second times, and placed on the calendar.

Mr. Bell introduced a bill for an act providing for the government of the state prison convicts.

Read first and second times, and referred to the Committee on State Prison and Public Buildings.

Mr. Bell introduced a bill for an act prohibiting the owner or owners of goats from allowing them to run at large.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Burton moved to take from the table, the message of the Governor, returning, without his approval, Senate bill No. 165, an act for the relief of James D. Potter.

Carried.

The question, being "Shall the bill pass, notwithstanding the objections of the Governor?" was put, and lost.

Mr. Burton, by leave, introduced a bill for an act to audit the claim of James D. Potter.

Read first and second times.

On motion of Mr. Burton, the rules were further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Melony, Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851, was taken from the table, and recommitted to the Committee on Agriculture, with the following instructions:

Amend by striking out all of the eighth line, and the words "stock for such purposes," in the ninth line.

On motion of Mr. Bell, Senate bill No. 149, an act for the relief of Francis R. Crussell, was taken from the table, and placed at the foot of the calendar.

On motion of Mr. Goodwin, Senate bill No. 286, an act to provide for the government of the state prison convicts, and to provide for the location of a branch prison, was taken from the table, and considered as in Committee of the Whole, and reported back, with amendments.

Pending consideration, the following message was received from the Assembly:

MR. PRESIDENT:—The Assembly request the Senate to transmit to that body the papers and accounts connected with Senate bill No. 263, an act to audit the claim of James Smiley.

J. W. SCOBEEY, Clerk.

APRIL 7, 1858.

On motion of Mr. Burton, the secretary was directed to transmit the papers of J. Smiley to the Assembly.

Consideration of Senate bill No. 286 was resumed.

IN SENATE.

Amendments of Committee of the Whole adopted, and bill ordered engrossed, and to be read a third time.

The resolution offered by Mr. Thom, instructing the Judiciary Committee to report relative to the liability of the late Attorney General upon his official bond for certain omissions of official duty, under consideration on the 3d instant, when the Senate adjourned, was taken up, and adopted.

Mr. Melony, chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was re-committed Assembly bill No. 160, entitled an act supplemental to an act

to regulate rodeos, passed April 30, 1851, respectfully report the same to the Senate, with the following amendment, and recommend its passage, as amended:

Amend by striking out all of eighth line, and the words "stock for such pasture," in ninth line.

MELONY, Chairman.

The president ruled that the action of the Senate relative to this bill, was not in accordance with the rules.

And Mr. Melony then moved to reconsider the action taken by the Senate, in recommitting the bill with instructions, which was carried.

The question, being "Shall the Senate recede from its amendment?" was put, and lost.

Mr. Melony moved that a committee of free conference be appointed, to consist of two from each House, on the disagreement of the two Houses, which was carried.

The chair announced as the Committee, on the part of the Senate, Messrs. Melony and Phelps.

Mr. Thom, of special committee, by leave, made the following report:

MR. PRESIDENT:—Your special committee to whom was referred Assembly bill No. 299, entitled an act to authorize the board of supervisors of the county of San Diego, to levy a special tax for road purposes have had the same under consideration, and, reporting the bill back to the Senate, recommend its passage, without amendment.

C. E. THOM, Committee.

Report accepted, and, with bill, placed on file.

Mr. Anderson reported, verbally, upon Senate bill No. 291, an act to legalize and confirm certain orders of the board of supervisors of Monterey county and Merced county, granting a charter to Andrew R. Fuebaugh, to construct a turnpike road through Pacheco's Pass, in said counties, and to collect toll thereon, recommending its passage, without amendment.

Report accepted, and, with bill, placed on file.

SPECIAL ORDER.

Senate bill No. 44, act to provide for the construction of a bulk-head, or sea-wall, in front of the city and county of San Francisco, was, on motion of Mr. Grant, made the special order of the day for Friday, April 9, at two o'clock P. M.

FURTHER SPECIAL ORDER.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city and county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was taken up, and, on motion of Mr. Ferguson of Sacramento, laid temporarily on the table, in order to consider Senate bill No. 244.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined

Senate bill No. 139, an act creating a state land office for the state of California, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

FURTHER SPECIAL ORDER.

Senate bill No. 244, an act for the relief of David Scannell, late sheriff of San Francisco, was taken up.

Mr. Phelps moved to recommit the bill, with the following special instructions ;

Recommit to a committee of three, with special instructions to report a substitute bill that shall provide for liquidating the claim of Mr. Scannell, so that the same may be funded under the funding bill now before the Senate, as all other claims are provided to be funded, which accrued prior to the first day of July, 1856.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Soule, and Grant, and taken, with the following result :

AYES—Messrs. Anderson, Allen, Berry, Burch, Bell, Carpenter, Coulter, Dickinson, Grant, Phelps, Soule, and Sullivan—12.

NOES—Messrs. Baker, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, and Merritt—12.

So the motion was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Grant, Phelps, and Soule, and taken with the following result : Ayes, 11—noes, 15 :

AYES—Messrs. Baker, Chase, Ferguson of Sierra, Goodwin, Griffith, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, and Melony—11.

NOES—Messrs. Anderson, Allen, Berry, Burch, Bell, Carpenter, Coulter, Dickinson, Ferguson of Sacramento, Grant, Phelps, Rogers, Soule, Sullivan, and Thom—15.

So the motion was lost.

Mr. Ferguson of Sacramento gave notice of a motion to reconsider the vote just taken.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
April 7, 1858. }

MR. PRESIDENT :—The Assembly, on the 3d inst., passed Assembly bill No. 187, an act for the relief of Daniel J. Thomas ;

Also, to-day, passed Assembly bill No. 344, an act for the relief of W. G. Poindexter ;

And, Senate bill No. 263, an act to audit the claim of James Smiley.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 187, was read first and second times, and placed on calendar.

Assembly bill No. 344, was read first and second times, and placed on calendar.

SPECIAL ORDER.

Assembly bill No. 37, temporarily laid on the table, taken up.

Mr. Grant moved to make the bill the special order of the day for Thursday, April 8th, at two o'clock, P. M.

Carried.

FURTHER SPECIAL ORDER.

Senate bill No. 293, an act for the relief of Hugh O'Donnell, was considered in Committee of the Whole, and reported back, with amendments

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered engrossed, read a third time, and passed.

GENERAL FILE.

Senate bill No. 256, an act to fix the salary of the district attorney of the county of Santa Clara.

Mr. Phelps moved to recommit the bill to the senator from Alameda.

Lost.

Mr. Berry moved to indefinitely postpone the bill, upon which, the ayes and noes were demanded by Messrs. Burch, Lewis, and Hamm.

Mr. Merritt demanded the previous question.

Sustained.

Question, being "Shall the main question be now put?" was put, and carried.

The main question being the indefinite postponement of the bill, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 13—noes, 15:

AYES—Messrs. Anderson, Baker, Berry, Burton, Carpenter, Chase, Goodwin, Grant, Gregory, Johnson of El Dorado, Ketchum, Pacheco, and Phelps—13.

NOES—Messrs. Burch, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Griffith, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Rogers, Soule, and Thom—15.

So the motion was lost.

The bill was then ordered engrossed.

Assembly bill No. 373, an act to repeal, in part, an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856, was read a third time, and passed.

Senate bill No. 300, an act to audit the claim of G. W. Ryckman, reported from Committee on Claims, with substitute—

Substitute adopted, and bill read first and second times, and, on motion of Mr. Burton, the rules were further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 183, an act for the prevention of the taking of trout-fish during certain months of the year, substitute of committee adopted, and considered as in Committee of the Whole, and, on motion of Mr. Melony, was recommitted to the senator from Alameda, with instructions to report a substitute for the protection of trout.

The following message was received from the Assembly:

MR. PRESIDENT :—The Assembly, on the third instant, passed Assembly bill No. 346, an act to audit and allow the claim of the Sacramento Gas Company;

And Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 346, was read first and second times, and, on motion of Mr. Ferguson of Sacramento, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 215, was read first and second times, and, on motion of Mr. Bell, the rules were suspended, bill read a third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 6th instant, passed Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854;

And, to-day, passed Senate bill No. 232, an act entitled an act to authorize the issuance of duplicates for certain lost school-land warrants;

And, to-day, passed Assembly bill No. 368, an act to fix the compensation of the district attorney of the county of Sierra;

Also, Senate bill No. 210, an act to authorize the congregation of Saint Patrick's (Catholic) church, in the city of Stockton, to remove the remains of deceased persons;

Also, amended and passed Senate bill No. 154, an act entitled an act to incorporate the town of Petaluma, and ask the concurrence of the Senate in the amendments made to the bill.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 368, was read first and second times, and referred to the delegation from Sierra.

Senate bill No. 154, Assembly amendments concurred in.

GENERAL FILE RESUMED.

Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857—

On motion of Mr. Griffith, the consideration of the bill, in Committee of the Whole, was dispensed with, and bill read a third time, and passed.

Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes, was read a third time, and passed.

Senate bill No. 275, an act directing the Governor of the state to deliver, on behalf of the state, certain stands of arms to certain persons, herein named—substitute adopted.

Mr. Melony moved to adjourn.

Lost.

Mr. Anderson moved to suspend the rules, and consider the the bill engrossed.

Lost.

The bill was then ordered engrossed, to be read a third time.

On motion of Mr. Lewis, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

THURSDAY, April 8, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

The journal of yesterday was read and approved.

Mr. Dickinson asked leave of absence for Mr. Burton, for the balance of the week.

Granted.

Mr. Burkh moved to take from the file Senate bill No. 240, an act supplementary to and amendatory of an act entitled an act to provide for the sale of the interest of the state of California in the property within the water-line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26, 1851, passed May 18, 1856, and consider the same.

Carried.

Bill considered as in Committee of the Whole, and reported back, without amendment.

IN SENATE.

On motion of Mr. Garter, the rules were suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 235, an act organizing the university of the state of California, under the name of The Regents of the University of the State of California;

Also, Senate bill No. 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19, 1853;

Also, Senate bill No. 256, an act to fix the salary of the district attorney of the county of Santa Clara;

Also, substitute for Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them;

Also, Senate bill No. 246, an act supplementary and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1855, and to the several acts amendatory and supplementary thereto;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate concurrent resolution No. 34, instructing our senators to vote for Morrill's bill;

Also, Senate bill No. 8, entitled an act to amend an act entitled an act to regulate proceedings in civil cases, in courts of justice in this state, passed April 29, 1851;

Also, substitute for Senate bill No. 24, entitled an act to amend the act of April 27, 1855, concerning lawful fences;

Also, Senate bill No. 30, entitled an act to provide for binding minors as apprentices, clerks, and servants;

Also, Senate bill No. 36, entitled an act supplementary to and amending of an act to provide revenue for the support of the government of this state, passed April 29, 1857;

Also, Senate bill No. 123, entitled an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853;

Also, Senate bill No. 173, entitled an act to audit the claim of R. G. Crozier;

Also, Senate bill No. 191, entitled an act to audit the claim of Pacific Express Company;

Also, Senate bill No. 239, entitled an act to change the name of Newman Bleistein to Bleistein Newman;

Also, Senate bill No. 276, entitled an act granting to Franklin A. Rogers leave of absence from the state;

Also, Senate bill No. 279, entitled an act to fix the salary of district attorney of San Bernardino county;

Also, Senate bill No. 280, entitled an act to change the time of holding the court of sessions and county court, in the county of Los Angeles;

Also, Senate bill No. 263, entitled an act to audit the claim of James Smiley;

And find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 8, 1858. }

MR. PRESIDENT:—The Assembly, on yesterday, appointed, on the part of the House, Messrs. Crane and Ward, to compose committee of free conference on the disagreeing vote on Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851;

And have, to-day, passed Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30, 1857;

Also, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

And Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 182 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 278 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 310 was read first and second times, and referred to the delegation from San Diego.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly joint resolution No. 10, in relation to the release of J. M. Ainsa, an American citizen, held captive in Sonora, Mexico, have had the same under consideration, and beg leave to report the same back to the Senate, and recommend its passage, without amendment;

Also, the Committee report Assembly concurrent resolution relative to removal of Indians, and recommend its passage, without amendment;

Also, Senate bill No. 255, an act to exempt pensioners of the revolutionary war, and the war of 1812, from taxation, report the same back, and recommend its passage, after striking out the remainder of the bill after the word "pensioner," in the seventh line.

All of which is respectfully submitted.

SAM'L A. MERRITT.

Chairman of Committee on Federal Relations.

Report accepted, and, with bills, placed on file.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 384, an act concerning trustees other than executors, have had the same under consideration, and report it back, with a recommendation that it be amended in section eight, line five, by striking out "three," and inserting "six," and then the bill pass, as amended;

Also, Assembly bill No. 250, an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 290, an act to authorize the guardian of Donato Rodriguez, Isabella Rodriguez, and Juana Rodriguez, to sell certain of their real estate at private sale, and recommend its passage;

Also, Assembly bill No. 300, an act to authorize the State Treasurer to issue to the heirs of Charles K. Ross, deceased, two duplicate school-land

warrants, in lieu of certain warrants destroyed, and recommend its passage;

Also, Senate bill No. 295, an act to empower the board of supervisors and auditor of the city and county of San Francisco, to allow, and audit, and satisfy certain claims therein mentioned, and report a substitute, and recommend the passage of the substitute.

S. H. CHASE, Chairman Committee.

Report accepted, and, with bills, placed on file.

SPECIAL ORDER OF THE DAY.

Senate joint resolution No. 14, relative to a modification of the pre-emption laws of California, was taken up.

On motion of Mr. Burch, it was laid on the table.

FURTHER SPECIAL ORDER.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state—

Mr. Carpenter moved to recommit the bill to a special committee of three, with the following instructions, and to report back on to-morrow, Thursday, April 9:

Amend, so as to read as follows:

First—To appropriate the proceeds of sales exclusively to the drainage and reclamation of unsold lands.

Second—To interdict the acceptance of any tender, in payment for lands, save the lawful money of the United States.

Third—To make actual settlement upon, and cultivation of, the land sought to be purchased, a condition precedent to the issuance of any certificate or patent, which shall, in all cases, be issued in the name of the original purchaser; said patent to have no other legal effect or force than as a quit-claim of all right, title, and interest, on the part of the state.

Fourth—To require all surveys, under the provisions of the act, to be made in strict and systematic conformity with the surveys of the general government.

Fifth—To provide for public sales to the highest bidder, after the manner of United States sales of all swamp and overflowed lands within five miles of the cities of Sacramento, Stockton, and Marysville, and one mile on either bank of the Sacramento River, from its mouth to its junction with the Feather River; the said sales to be conducted by the register of the land office, under the supervision of the Governor, whose proclamation thereof shall specify, in accordance with statements published by the Surveyor General, the number of acres, and describing the lands to be sold by townships, sections, and ranges, connecting with the United States surveys; such only of said lands as are now occupied and cultivated by actual settlers upon them, being subject to entry at private sale, under the general provisions of the act, at the minimum price of one dollar per acre.

MESSAGE FROM THE GOVERNOR.

Pending the consideration of which, the following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 8, 1858.

To the Senate of California :

I return, herewith, without my approval, an act creating a state land office for the state of California. My objections are: *First*, That the act is not signed by the president of the Senate. *Second*, It has not received the signature of the speaker of the Assembly. *Third*, It is not attested by the secretary of the Senate. *Fourth*, It requires the attestation of the clerk of the Assembly.

JOHN B. WELLER.

On motion, message and bill were laid on the table.

Consideration of Assembly bill No. 112;—the question being on Mr. Carpenter's motion to recommit, with instructions, upon which, the ayes and noes were demanded, by Messrs. Ferguson of Sacramento, Gregory, and Anderson.

Mr. Burch moved a call of the Senate.

Carried.

Roll called.

Absent, Messrs. Ketchum and Garter.

Sergeant-at-arms dispatched for absentees.

Mr. Garter, appearing at the bar of the Senate, was admitted.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question being on recommitting, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Dickinson, Ferguson of Sierra, Garter, Hamm, Johnson of El Dorado, Lewis, Merritt, Pacheco, Phelps, Soule, and Sullivan—16.

NOES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Melony, Rogers, and Thom—14.

So the bill was recommitted.

Mr. Ferguson of Sacramento moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco, which was carried, and the motion laid on the table.

On motion of Mr. Garter, the message of the Governor, returning Senate bill No. 139, without approval, was taken from the table, and the bill recommitted to the Enrolling Committee.

FURTHER SPECIAL ORDER.

Mr. Carpenter in the chair.

Senate bill No. 117, an act to regulate the creation of homesteads, was taken up, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Berry offered the following proviso :

" Provided, That no two or more separate tracts of land shall be included in the homestead title, unless they lie contiguous and adjoining each other."

Lost.

President in the chair.

Mr. Holden offered the following amendment to section first :

" Whenever any married man, who resides with his wife—or any father, who has residing with him any legitimate child or children—or any person, of lawful age, who has residing with him or her any minor sister or brother—or any widowed mother—or any widowed mother, who has residing with her a minor child—shall desire to avail himself or herself of an act passed April 21, A. D. 1857, entitled an act to exempt the homestead and other property from forced sale, in certain cases."

Lost.

The bill was then ordered engrossed, and to be read a third time.

The chair announced as special committee to whom Assembly bill No. 112, was referred, Messrs. Ferguson of Sacramento, Holden, and Soule.

Mr. Pacheco, of the delegation from San Luis Obispo, made the following report :

MR. PRESIDENT :—The delegation from San Luis Obispo and Santa Barbara, to whom was referred Assembly bill No. 290, an act for the relief of the county of Santa Barbara, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the passage of the same.

R. PACHECO.

Report accepted, and, with bill, placed on file.

FURTHER SPECIAL ORDER.

Senate bill No. 98, an act to suppress gaming, amendments of Assembly concurred in.

On motion of Mr. Grant, Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city and county of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was made the special order of the day for to-morrow, Friday, April ninth, at half-past eleven o'clock, A. M.

GENERAL FILE.

Senate bill No. 256, an act to fix the salary of the district attorney of the county of Santa Clara, was read a third time, and passed.

Senate bill No. 216, an act to amend an act concerning courts of justice of this state and judicial officers, passed May 19, 1853, was read a third time, and passed.

Senate bill No. 235, an act organizing the University of the state of California, under the name of The Regents of the University of the State of California, was, on motion, laid on the table.

Senate bill No. 246, an act supplementary and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplementary thereto, was read a third time, and passed.

Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Thom, Anderson, and Johnson of El Dorado, and taken, with the following result: Ayes, 10—noes, 18:

AYES—Messrs. Allen, Berry, Coulter, Ferguson of Sacramento, Garter, Grant, Hart, Johnson of El Dorado, Soule, and Thom—10.

NOES—Messrs. Anderson, Baker, Burch, Carpenter, Chase, Dickinson, Griffith, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, and Sullivan—18.

So the Senate refused to pass the bill.

Mr. Anderson gave notice of a reconsideration of the vote just taken.

Senate bill No. 270, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, was considered as in Committee of the Whole.

Mr. Burch moved to adjourn.

Lost.

Bill reported back, with amendments.

IN SENATE.

Amendments of Committee of the Whole, with the exception of the amendments relating to San Bernardino county, were concurred in.

The Senate then refused to concur in amendment of committee to section twenty-three.

Mr. Anderson moved to deduct ten miles each from the distances from Nevada.

Carried.

The bill was then ordered engrossed, to be read a third time.

Mr. Baker moved to adjourn.

Lost.

Mr. Thom made the following report;

MR. PRESIDENT:—The special committee, to whom was referred Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court house, and completing the jail, has had the same under consideration, and report the bill back to the Senate, without amendment, for its action.

C. E. THOM, Committee.

Report accepted, and, with bill, placed on file.

Mr. Pacheco, of the delegation, made the following report:

MR. PRESIDENT:—The delegation from San Luis Obispo and Santa Barbara, to whom was referred Assembly bill No. 312, an act amendatory of an act entitled an act to provide for the payment of the debt of the counties of San Luis Obispo and Santa Barbara, approved March 31,

1857, have had the same under consideration, and report the same back, recommending its passage.

PACHECO, of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Berry, by leave, made the following report :

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt, begs leave to report the same back, and recommend its passage.

J. BERRY.

Report accepted, and, with bill, placed on file.

Senate bill No. 271, an act amendatory of an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856, was laid on the table.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

FRIDAY, April 9, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Rogers, chairman of the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT:—Your Committee on Counties and County Boundaries have had under consideration Assembly bill No. 108, an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854, report the bill back to the Senate, and recommend that it be indefinitely postponed.

GEO. H. ROGERS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 286, an act for the government of the state prison convicts, and to provide for a branch prison, and find the same correctly engrossed;

Also, have examined Senate bill No. 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859, and find the same correctly engrossed.

W. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Garter, chairman of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills report, that on the eighth day of April, at twelve o'clock, m., they presented to the Governor, for his approval, Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts;

Also, Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

Also, Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857;

Also, Senate bill No. 192, an act to audit the claim of the Pacific Express Company;

Also, Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857;

Also, Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855;

Also, Senate bill No. 159, an act to improve the navigation of Petaluma Creek;

Also, Senate bill No. 139, an act creating a state land office for the state of California;

Also, Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854;

Also, Senate bill No. 280, an act to change the time of holding the courts of sessions and county court, in the county of Los Angeles;

Also, Senate bill No. 279, an act to fix the salary of district attorney of San Bernardino county;

Also, Senate bill No. 276, an act granting to Franklin A. Rogers leave of absence from this state;

Also, Senate bill No. 239, an act to change the name of Newman Bleistein to Bleistein Newman;

Also, Senate bill No. 191, an act to audit the claim of Pacific Express Company;

Also, Senate bill No. 173, an act to audit the claim of Robert G. Crozier;

Also, Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853;

Also, Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1858;

Also, Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants;

Also, substitute for Senate bill No. 24, an act to amend the act of April 27, 1855, concerning lawful fences;

Also, Senate bill No. 8, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851;

Also, Senate bill No. 263, an act to audit the claim of James Smiley;

Also, Senate concurrent resolution No. 34.

E. GARTER, Chairman.

Mr. Bell reported back, verbally, Assembly bill No. 303, an act to suppress injurious publications, recommending its passage, without amendment.

Mr. Bell reported back, verbally, Assembly bill No. 305, an act to authorize the funding the unfunded debt of the city of San José, and to provide for the payment of the same, recommending its passage.

Report accepted, and, with bills, placed on file.

Mr. Melony, of the committee on free conference, made the following report:

MR. PRESIDENT:—The joint committee of free conference, to whom was referred Assembly bill No. 160, have had the same under consideration, and report the same back, with the following amendments:

Strike out in the eighth and ninth lines of the first section, the words, "and shall have gathered such cattle or stock for such purpose."

Also, in the first section in the tenth line, after the word "give," insert the words "three days."

And recommend the passage of the bill, with said amendments.

A. R. MELONY,	} Senate Committee.
T. G. PHELPS.	
G. W. CRANE,	} House Committee.
J. N. WARD.	

Report accepted, and recommendation of committee concurred in.

Mr. Goodwin, of the delegation, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 284, have had the same under consideration, and report it back, with the recommendation that it pass, without amendment.

J. O. GOODWIN.

Report accepted, and with bill, placed on file.

Mr. Ferguson, of a special committee, made the following report:

MR. PRESIDENT:—The special committee to whom was referred Assembly bill No. 368, an act to fix the compensation of the district attorney of the county of Sierra, have had the same under consideration, and respectfully recommend the passage of the same, without amendment.

W. T. FERGUSON.

Report accepted, and, with bill, placed on file.

Mr. Anderson, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them.

Mr. Bell moved to lay the motion to reconsider on the table, which was carried.

Mr. Thom, of the committee, made the following report:

MR. PRESIDENT:—The special committee, to whom was referred Assembly bill No. 310, being an act to fix the amount of the official bonds of the county officers, in and for the counties of San Diego and Santa Barbara, have had the same under consideration, and report the bill back to

the Senate, without amendment, and recommend favorable action thereon.

C. E. THOM, Committee.

Report accepted, and, with bill, placed on file.

SPECIAL ORDER.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was taken up, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments made by committee, taken up and considered *seriatim*.

Question on adopting first amendment to section first.

Mr. Merritt moved a call of the Senate.

Carried.

Roll called.

Sergeant-at-arms dispatched for absentees.

Mr. Johnson of Sacramento, appearing at the bar of the Senate, was admitted.

Mr. Pacheco, appearing at the bar, was admitted.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question being on concurring in amendments to section first, the ayes and noes were demanded by Messrs. Grant, Merritt, and Soule, and taken, with the following result: Ayes, 13—noes, 20:

AYES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Rogers, Sullivan, and Taliaferro—13.

NOES—Messrs. Allen, Burch, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Soule, and Thom—20.

So the amendment was rejected.

The question being on adopting the first amendment to the second section, the ayes and noes were demanded by Messrs. Merritt, Grant and Taliaferro, and taken, with the following result: Ayes, 13—noes, 20:

AYES—Messrs. Anderson, Baker, Coulter, Dickinson, Garter, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Rogers, Sullivan, and Taliaferro—13.

NOES—Messrs. Allen, Berry, Burch, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hart, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Soule, and Thom—20.

So the amendment was rejected.

The question being on adopting the second amendment to section

second, the ayes and noes were demanded by Messrs. Merritt, Grant, and Taliaferro: Ayes, 12—noes, 21:

AYES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Hamm, Lewis, Merritt, Rogers, Sullivan, Taliaferro, and Thom—12.

NOES—Messrs. Allen, Burch, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, and Soule—21.

So the amendment was rejected.

The question being on adopting the first amendment to section three, was put, and lost.

The question being on adopting the second amendment of committee, to section three, the ayes and noes were demanded by Messrs. Lewis, Gregory, and Rogers, and taken, with the following result: Ayes, 18—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Pacheco, Phelps, Rogers, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Allen, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Johnson of El Dorado, Melony, and Soule—14.

So the amendment was adopted.

Mr. Phelps gave notice of a motion to reconsider the vote taken on the second amendment to section third.

Mr. Phelps moved to make the bill the special order of the day for tomorrow, Saturday, April tenth, at half-past eleven o'clock, A. M.

Upon which, the ayes and noes were demanded by Messrs. Thom, Taliaferro, and Merritt, and taken, with the following result: Ayes, 20—noes, 13:

AYES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hart, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Soule, and Thom—20.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Hamm, Holden, Lewis, Merritt, Rogers, Sullivan, and Taliaferro—13.

So the motion was carried.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 9, 1858. }

To the Senate of California:

I have, this day, approved an act granting to Franklin A. Rogers leave of absence from the state;

Also, an act appropriating money for the transporting to the insane asylum certain insane convicts;

Also, an act to audit the claim of the Pacific Express Company;

Also, an act to amend the act of April 27, 1855, concerning lawful fences;

Also, an act to fix the salary of the district attorney of San Bernardino county;

Also, an act to audit the claim of Pacific Express Co.

I also approved, on yesterday, the following bills:

An act to change the time of holding the courts of sessions and county court, of the county of Los Angeles;

Also, an act to amend an act to regulate fees in office, approved April 10, 1855.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 240, an act supplementary to and amendatory of an act entitled an act to provide for the sale of the interest of the state of California in the property within the water line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26, 1851—passed May 18, 1853;

And amended and passed Senate bill No. 273, an act for the relief of Paul Shirley, late sheriff of Solano county, and ask the concurrence of the Senate;

Also, passed, with amendment, Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853, in which amendment, the concurrence of the Senate is also asked.

J. NORMAN BINGAY, Assistant Clerk.

Senate bill No. 273, amendments of Assembly concurred in.

Senate bill No. 157, Assembly amendments concurred in.

Mr. Ferguson of Sacramento, chairman of special committee, to whom was referred Assembly bill No. 112, made the following report:

MR. PRESIDENT:—The special committee, to whom was referred Assembly bill No. 112, entitled an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, with instructions to insert certain amendments, designated in accordance with such instructions, report as follows:

Strike out all after the word "fund," in the sixth line of first section of printed bill, and insert "to be appropriated exclusively to the drainage and reclamation of unsold lands."

Strike out all after the word "purchased," in the eighth line of section second of printed bill, to the word "allant," inclusive, in the ninth line of said section, and insert in lieu thereof, "that he has made actual settlement upon said land, and that the same is being cultivated by him."

Strike out the word "either," in the fourth line of the fourth section; also, strike out all after the word "money," in the same line of said section, to the word "and," in the fifth line of the same section.

Strike out all after the word "moneys," in the second line of the fifth section, to the word "received," in the third line of said section. Insert the word "and," between the word "surveyor" and the word "the," in the fifth line of said section; also, strike out the sixth and seventh lines of said section five.

Strike out all after the word "money," in the first line of the sixth section, to the word "according," in the second line of said section.

Strike out all after the fifth line of same section, after the word "surveys," in said line.

Add at the end of section seven, "*Provided*, that neither the patent provided for in this section, nor the certificate provided for in the sixth section of this act, shall have any other legal effect or force, than as a quit-claim of all right, title, and interest, on the part of the state."

Strike out all after the word "survey," in the third line of the eighth section, to the word "or," in the same line of said section.

Strike out all after the word "possession," where it first occurs in the sixth line of the ninth section, to the word "provided," in the seventh line of same section.

Strike out all of the eleventh section after the word "government" in the third line of the same.

In relation to the fifth instruction, which proposes to require the land not settled upon within five miles of the cities of Sacramento, Stockton, and Marysville, and one mile on either bank of the Sacramento river, from its mouth to its junction with the Feather River, to be sold in accordance with the sales of United States land, your committee submit :

First, That it would require an addition to the bill of at least ten sections to embrace all the requirements of said instruction, and your committee have not time to perfect the same, and report as required.

Secondly, These lands, (if any such there be,) cannot be purchased by speculators, because one of the other provisions of this act, as provided for by the instructions, makes actual settlement and cultivation a condition precedent to the purchase.

Thirdly, To carry out the provisions of said instructions it will be absolutely necessary to employ surveyors to survey all the lands coming under the provisions of said instruction, before the Surveyor General could furnish the Governor with the tracts of land to be thus sold, which would require an appropriation of at least \$8,000, which amount would be more than the lands thus sold would bring, to say nothing of the expenses of the proclamation.

Your committee would state in conclusion, that they have prepared the above amendments, not because they favor their adoption, but because they were instructed so to do by the Senate; and while your committee do not design to oppose the amendment providing for the payment of the lands in money only, because they are persuaded its adoption will facilitate the passage of the bill, at the same time they most earnestly hope all the other amendments provided for in the instructions, will be rejected by the Senate, because they are not only unnecessary, but several of them are in direct conflict with other provisions of the bill, and their adoption would not only work great hardships on the *bona fide* and industrious settlers now in possession of the lands, but would defeat all the desirable objects of the bill, both on the part of the settler and the state.

W. I. FERGUSON, Chairman.

WM. HOLDEN,

SAM'L SOULE.

Mr. Rogers, of the Committee on Enrollment, made the following report:

MR. PRESIDENT :—Your Committee on Enrollment have examined Senate bill No. 60, entitled an act to provide for the better observance of the Sabbath ;

Also, Senate bill No. 98, entitled an act to suppress gaming ;

Also Senate Bill No. 160, entitled an act fixing the compensation of the members of the board of supervisors of Stanislaus county;

Also, Senate bill No. 198, entitled an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the time for holding the terms of the district court of the second judicial district;

Also, Senate bill No. 210, entitled an act to authorize the congregation of St. Patrick's (Catholic) Church, in the city of Stockton, to remove the remains of deceased persons;

Also, Senate bill No. 232, entitled an act to authorize the issuance of duplicates for certain lost school-land warrants;

And find the same correctly enrolled, and the same this day placed in the hands of the Governor for his approval.

GEO. H. ROGERS, of the Committee.

APRIL 8, 1858.

Report accepted.

Mr. Bell, by leave, introduced a bill for an act amendatory of and supplementary to an act approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22, 1850, which was read first and second times, and referred to the Committee on Corporations.

GENERAL FILE.

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for a branch prison, was read a third time, and passed.

Senate bill No. 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, 1858, and ending on the thirtieth day of June, 1859, was read third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 41, an act to provide for the construction of a bulk-head or sea-wall, in front of the city and county of San Francisco, was taken up, and, on motion of Mr. Ferguson of Sacramento, was made the special order of the day for Tuesday, April 13, at 2 o'clock, p. m.

GENERAL FILE RESUMED.

Senate bill No. 265, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1, 1851, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Sullivan, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 303, an act to audit certain claims, reported by Committee on Claims, was read first and second times, and laid over under the rule.

Senate bill No. 302, an act for the relief of John C. Gordon, reported by Committee on Claims, was read first and second times, and laid over under the rule.

Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Soule offered the following amendment to subdivision two, which was adopted :

Amend by adding the following: "*Provided*, the said board of supervisors may allow and order paid out of the said twelve thousand dollars, the amount that may be legally or equitably due to Gorge W. Smith, for repairs made to the junction of Market, Bush, Fremont, and Front streets, in the fall of 1856."

Mr. Soule moved to insert, in the thirteenth subdivision, "E. C. Dowdigan."

Adopted.

The bill was then read a third time, and passed.

Mr. Carpenter, of the El Dorado delegation, made the following report :

MR. PRESIDENT:—The El Dorado delegation, in obedience to instructions, herewith report a bill providing for the submission of the question of the removal of the county seat from Placerville to Coloma, in El Dorado county, to the qualified electors of said county.

G. J. CARPENTER,
S. M. JOHNSON,
W. B. DICKINSON.

Report accepted, and, with bill, placed on file.

Mr. Melony made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 289, entitled an act concerning the seventh judicial district and the judge thereof, have had the same under consideration, and respectfully report the same to the Senate, and recommend its passage, with the following amendment :

Amend by striking out the third section of the bill.

A. R. MELONY,
TALIAFERRO,
GRIFFITH.

Report accepted, and, with bill, placed on file.

Mr. Burch, by leave, introduced a bill for an act concerning telegraphic operators.

Read first and second times.

On motion of Mr. Burch, the rules were further suspended, bill considered engrossed, read a third time, and passed.

Mr. Berry, by leave, introduced a bill for an act granting the right of way to the Oxon Company, and authorizing said company to turn the

head waters of the Klamath River into any of the streams forming the head waters of the Sacramento River, and to collect a revenue therefrom.

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Holden, Senate bill No. 11, an act to provide for the location and sale of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, was taken from the table, and placed at the foot of the calendar.

On motion of Mr. Johnson of El Dorado, Assembly bill No. 257, an act to authorize George W. Chedic to sell certain property of Georgia M. C. F. Chedic, was taken from the calendar.

Amendment reported by committee was adopted, bill read a third time, and passed.

On motion of Mr. Melony, Assembly bill No. 44, an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment of the same, was taken from the calendar.

Mr. Melony offered a substitute.

Adopted.

On motion of Mr. Melony, the rules were suspended, bill read a third time, and passed.

Mr. Berry, by leave, introduced the following concurrent resolution, which was adopted :

CONCURRENT RESOLUTIONS, RELATIVE TO THE VOLUNTEER SERVICE RENDERED
ON THE SOUTHERN OREGON EMIGRANT ROAD, IN 1854.

Whereas, the hostility of the Medoe, Klamath Lake, Pi-Utah, and other Indian tribes, inhabiting the country between the Humboldt River and Yreka, California, and Jacksonville, Oregon, and through which the southern Oregon, and northern California emigrant road passes, has ever been such that armed protection has been absolutely necessary to preserve the lives and property of every immigration which has passed over said road ; *And whereas*, a company of mounted volunteers was enrolled and dispatched on this service in the year A. D. 1854, by order of his Excellency Jas. W. Davis, then Governor of Oregon, remuneration in all things pertaining thereto, being left subject to the future action of Congress ; *And whereas*, a large portion of the supplies procured for and on account of said service, were furnished by citizens of this state ; *And whereas*, Congress has taken no action in the premises : Therefore,

Resolved, By the Senate, the Assembly concurring, that our senators and representatives in Congress be and they are hereby instructed to use all honorable means to procure an appropriation by Congress for the payment of said service, and all necessary expenses incurred on account thereof.

Resolved, That his Excellency the Governor, is hereby requested to transmit a copy of the above preamble and resolution to each of our senators and representatives in Congress, to the President of the United States, and to the Secretary of War.

Mr. Anderson moved to adjourn.

Lost.

On motion of Mr. Soule, Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco,

was taken from the file, and considered as in Committee of the Whole, and reported back, without amendment.

IN SENATE.

Bill read a third time, and passed.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

SATURDAY, April 10, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of Friday, April 9, read and approved.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30, 1857, have had the same under consideration, and recommend its indefinite postponement;

Also, Assembly bill No. 137, an act to extend the terms of office of the board of supervisors of certain counties of this state, and recommend its passage;

Also, Assembly bill No. 131, an act to abolish public executions, and recommend its indefinite postponement;

Also, Senate bill No. 225, an act for the relief of partners and joint-debtors, and recommend its passage.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Lewis, chairman of Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 117, an act to regulate the creation of homesteads;

Also, Senate bill No. 270, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Rogers, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 13, an act to amend an act entitled an act to reorganize and establish the county of San Mateo, ap-

proved April 18, 1857, report the same back to the Senate, and recommend its indefinite postponement.

GEO. H. ROGERS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Bell, of a select committee, made the following report :

MR. PRESIDENT :—The select committee to whom were referred certain bills relating to the preservation of salmon and trout, during certain months, beg leave to report a bill providing for the preservation of trout-fish.

BELL.

Report accepted, and, with bills, placed on file.

INTRODUCTION OF BILLS.

Mr. Ferguson of Sacramento introduced a bill for an act entitled an act to grant the right to construct a bridge across the American River, at the mouth, to certain parties therein named.

Read first and second times, and referred to the Sacramento delegation.

Also, a bill for an act for the relief of Selah Russell.

Read first and second times, and referred to the Judiciary Committee.

Also, a bill for an act for the payment of the California State Telegraph Company.

Read first and second times, and referred to the Committee on Claims.

SPECIAL ORDER.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unpaid claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, was taken up.

Pending its consideration, Mr. Merritt moved a call of the Senate.

Carried.

Roll called.

Absent, Mr. Berry.

Sergeant-at-arms dispatched for absentees.

Mr. Berry appearing at the bar of the Senate, was admitted.

On motion of Mr. Johnson of El Dorado, further proceedings under the call were dispensed with.

FURTHER CONSIDERATION OF THE SPECIAL ORDER RESUMED.

Mr. Phelps, in accordance with notice previously given, moved to reconsider the vote by which the Senate adopted the second amendment to the third section of the bill.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Merritt, and Taliaferro, and taken, with the following result : Ayes, 15 ; noes, 18 ;

AYES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hart, Johnson of El Dorado, Melony, Phelps, and Soule—15.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Garter, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Pacheco, Rogers, Sullivan, Taliaferro, and Thom—18.

So the House refused to reconsider.

Mr. Burch moved to reconsider the vote by which the Senate refused to adopt the first amendment of Committee of the Whole to section three of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Berry, and Thom, and taken, with the following result: Ayes, 17—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Garter, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Pacheco, Rogers, Sullivan, Taliaferro, and Thom—17.

NOES—Messrs. Allen, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Grant, Gregory, Griffith, Hart, Johnson of El Dorado, Ketchum, Melony, and Soule—14.

So the Senate reconsidered its vote.

Mr. Burch then moved that the Senate concur in the first amendment of Committee of the Whole to section three of the bill.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Berry, and Thom, and taken, with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Coulter, Dickinson, Garter, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Pacheco, Rogers, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Allen, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Grant, Gregory, Griffith, Hart, Ketchum, Melony, and Soule—12.

So the amendment was adopted.

Mr. Ferguson of Sacramento moved to recommit the bill to the San Francisco delegation, with special instructions to report an amendment, striking out the words: "A special election to be called and held within thirty days thereafter;" and insert the words, "the next general election, to be held on the first Wednesday of September, A. D. 1858."

Upon which, the ayes and noes were demanded by Messrs. Bell, Berry, and Sullivan, and taken, with the following result: Ayes, 22—noes, 8:

AYES—Messrs. Allen, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Holden, Johnson of El Dorado, Ketchum, Melony, Pacheco, Phelps, Rogers, Soule, and Thom—22.

NOES—Messrs. Anderson, Baker, Berry, Burch, Johnson of Sacramento, Merritt, Sullivan, and Taliaferro—8.

So the bill was recommitted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 104, an act fixing the times at which representatives in Congress shall be elected.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 164, was read first and second times, and, on motion of Mr. Melony, made the special order of the day for Tuesday next, the 13th instant, at half-past eleven o'clock.

The following message was received from the Assembly:

Mr. President:—The Assembly, this day, passed Senate bill No. 292, an act amendatory of an act entitled an act to establish a standard of weights and measures, passed March 30, 1859, and to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1859, passed April 30, 1864.

J. NORMAN BINGAY, Assistant Clerk.

GENERAL FILE.

Senate bill No. 117, an act to regulate the creation of homesteads, was read a third time, and passed.

Senate bill No. 279, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, was read a third time, and passed.

Assembly bill No. 259, an act to change the time of holding the courts of sessions, county courts, and probate courts of the counties of Santa Barbara and San Luis Obispo, was read a third time, and passed.

Senate bill No. 278, an act for the relief of Michael Fennell, reported by Committee on State Hospital on the 29th inst., was read first and second times, and laid over, under the rule.

Senate bill No. 197, an act to amend the act of April 9, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee concurred in, and, on motion of Mr. Taliaferro, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 377, an act to amend an act entitled an act concerning jurors, passed May 3, 1852, was indefinitely postponed.

Assembly bill No. 347, an act to fix the compensation of the board of supervisors of San Joaquin county, was read a third time, and passed.

Senate bill No. 189, an act concerning notaries public, was indefinitely postponed.

Senate bill No. 170, an act amendatory of an act supplementary to an act entitled an act to regulate fees in office, approved April 19, 1855, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Johnson of El Dorado, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 223, an act concerning commissioners of deeds, appointed by the Governors of other states and territories of the United States, was considered as in Committee of the Whole, and reported, without amendments.

IN SENATE.

On motion of Mr. Anderson, the bill was laid on the table.

Senate bill No. 259, an act to legalize acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco, was ordered engrossed, and to be read a third time.

Senate bill No. 247, an act to allow Lindley Carson to sell certain real estate, was ordered engrossed, and to be read a third time.

Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1857, was considered in Committee of the Whole, and reported back, without amendments.

IN SENATE.

Bill ordered engrossed, and to be read a third time.

Mr. Taliaferro, by leave, introduced a bill for an act for the relief of Edward Cummings.

Read first and second times, and referred, with accompanying documents, to the Judiciary Committee.

Senate bill No. 243, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, passed April 30, 1855, reported from committee, with substitute; substitute adopted, and ordered engrossed, and to be read a third time.

Mr. Anderson moved that the Senate adjourn.

Lost.

Senate bill No. 217, an act to audit the claim of Baker & Swinerton, was laid on the table.

Mr. Soule, by leave, reported back Assembly bill No. 37, amended in accordance with instructions from the Senate, this day

Report accepted.

On motion of Mr. Griffith, bill considered, and amendments adopted.

Mr. Phelps offered the following amendment, which was adopted:

Amend by striking out of the fifth line of the third section, the words "for twenty days in succession," and insert the words "daily until the next general election thereafter."

Mr. Phelps offered the following additional amendment, which was adopted:

In the sixth line of the amendment to section third, strike out the words "twenty days," and insert the words "within such period."

Mr. Soule offered the following amendment, which was adopted:

Strike out of the eighth line, from the end of the amendment to section three, the word "third," and insert the word "second."

The bill was then read a third time, and passed.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 157, entitled an act to amend an act entitled an act to establish

an asylum for the insane of the state of California, passed May 17, 1853, and find the same correctly enrolled.

GEO. H. ROGERS, of Committee.

Report accepted

FURTHER SPECIAL ORDER

Senate bill No. 6, an act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken up.

Pending consideration—

Mr. Dickinson moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Goodwin, Lewis, Hart, and Phelps.

Sergeant at arms dispatched for absentees.

Mr. Bell moved to suspend further proceedings under the call.

Lost.

Mr. Hart appeared at the bar of the Senate, and was admitted.

Mr. Phelps appeared at the bar of the Senate, and was admitted.

Mr. Bell moved to suspend further proceedings under the call.

Lost.

Mr. Baker moved to suspend further proceedings under the call.

Carried.

On motion of Mr. Ferguson of Sacramento, Assembly Bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken up, and made the special order for Tuesday next, the thirteenth instant, at quarter before twelve, A. M.

Mr. Ferguson moved to adjourn.

The ayes and noes were demanded by Messrs. Merritt, Lewis, and Melony, and taken, with the following result:

AYES—Messrs. Anderson, Baker, Bell, Carpenter, Chase, Dickinson, Ferguson of Sacramento, Ferguson of Sierra Hamn, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Rogers, Soule, and Thome—16

NOES—Messrs. Allen, Berry, Birch, Coulter, Garter, Grant, Gregory, Griffith, Hart, Holden, Merritt, Melony, Pacheco, Phelps, Sullivan, and Taliaferro—16

Being a tie vote, the president voted in the affirmative.

And so the Senate stood adjourned.

Approved.

JOS. WALKUP, President of Senate

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

MONDAY, April 12, 1853.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of Saturday read and approved.

Mr. Holman asked leave of absence, for one day, for Mr. Johnson of Sacramento, which was granted.

Mr. Baker presented the claims of sundry newspapers, which were referred to the Committee on Contingent Expenses.

Mr. Grant, of a select committee, made the following report :

MR. PRESIDENT:—The committee, consisting of Messrs. Merritt, Burch, Grant, Garter, and Chase, to whom was referred Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco, to execute certain deeds, and also, the substitute reported by the delegation from the counties of San Francisco and San Mateo, have had the same under consideration, and report the substitute back, with the accompanying amendments, recommending their adoption, and the passage of the substitute, as amended :

Amendments to substitute for Senate bill No. 13 :

In section three, lines fifteen, sixteen, and seventeen, strike out the words, "the lot, or piece, or parcel of land, as aforesaid, as well as." Also, in same section, line twenty-one, strike out the words, "a fee simple estate," and insert, "all the right, title, and interest, of said city, and city and county." Also, in the twenty-eighth line of said section, after the words, assigns, insert, "as against said city, or city and county."

The committee also report, herewith, a bill for an act to provide for the sale of certain property of the state of California within the water-line front of the city and county of San Francisco, and recommend the passage of the same.

GILBERT A. GRANT, for said Committee.

Report accepted, and, with bills, placed on file.

Mr. Gregory reported back, verbally, Assembly bill No. 333, an act to authorize the construction of a bridge across the Pajaro River, recommending its passage.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Anderson introduced a bill for an act to authorize the guardian of Espedion Noe, José Jesus Noe, and Vicente Noe, to sell and dispose of their real estate and chattels real.

Read first and second times, and, on motion of Mr. Anderson, the rules were further suspended, bill considered engrossed, read a third time, and passed.

Mr. Grant introduced a bill for an act authorizing married women to insure the lives of their husbands.

Read first and second times, and referred to the Judiciary Committee.

Mr. Thom offered the following resolution, which was adopted :

Whereas, The Secretary of State, and also the county clerk of the county of Monterey, have in their possession a large number of the old Mexican and California archives, which, of right, ought to be transferred to the custody of the United States Surveyor General for California, to be kept by him with the documents of a like character now under his control :
Therefore, be it,

Resolved, By the Senate, the Assembly concurring, that the Secretary

of State, and also the clerk of the county of Monterey, be, and they are hereby, authorized and directed to deliver over to James W. Mandeville, United States Surveyor General for California, all such Spanish or Mexican archives, (whether printed, or written, in the Spanish language,) as they may have in their possession, which are necessary and proper to be handed over, they first taking a receipt from the said Mandeville for all the documents delivered, together with an abstract of them.

Resolved, further, That the expenses incurred by such delivery be paid by the Treasurer of State, upon demand of the Secretary of State, and also upon demand of the county clerk of the county of Monterey, out of the contingent library fund; *Provided,* that such expense shall not exceed the sum of fifty dollars, for all services that may be rendered under these resolutions; *Provided, further,* that the clerk of the county of Monterey shall retain in his possession all documents that properly belong to the ex-prefecture of Monterey.

Mr. Burch offered the following resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the General Assembly adjourn *sine die*, on Monday, the 26th April, 1858, at twelve o'clock, M.

On motion of Mr. Chase, Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, was taken from the file, considered, and bill read a third time, and passed.

On motion of Mr. Bell, Senate bill No. 235, an act organizing the university of the state of California, under the name of The Regents of the University of the State of California, was taken from the table and placed at foot of calendar.

Mr. Anderson offered the following resolution, which was adopted:

Resolved, That from and after to-morrow, at twelve o'clock, M., no bills or new business shall be introduced into the Senate.

Mr. Hart offered the following resolution, which was referred to the Committee on Federal Relations:

SENATE CONCURRENT RESOLUTION RELATIVE TO MINING CANALS OR WATER-DITCHES FOR MINING PURPOSES.

Resolved, By the Senate the Assembly concurring, that our senators be and they are hereby instructed, and our representatives in Congress requested, to use due diligence and all honorable means, to secure the passage of a bill granting and securing to companies or individuals an easement of the right of way over the public domain in the state of California, for mining canals or water-ditches for mining purposes, subject to recognized and established private rights; *Provided,* that such grant or confirmation on the part of Congress, shall not convey any rights or privileges to said companies or individuals, which they do not now possess under the rulings of the Supreme Court of this state.

On motion of Mr. Dickinson, Assembly bill No. 165, an act to establish the county seat of El Dorado county, to fix the place for holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring a removal of the public archives,

records, and property, was taken from the file, and considered, substitute reported by committee adopted, and bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Dickinson, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, to-day, passed Senate bill No. 262, an act to audit the claim of D. H. Carpenter.

J. NORMAN BINGAY, Assistant Clerk.

GENERAL FILE.

Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7th, 1857, was taken up, and, on motion of Mr. Sullivan, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 268, an act relative to the board of supervisors of San Diego county, was read a third time, and passed.

Senate joint resolution No. 35, relative to the muster-rolls, and vouchers of war claims, transmitted to the war department, was taken up, and, on motion of Mr. Johnson of El Dorado, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850, was read third time, and passed.

Senate bill No. 126, an act to amend an act to regulate proceedings in civil cases, in the courts of justice of this state, was indefinitely postponed.

Senate bill No. 171, an act to provide compensation for physicians and surgeons, in certain cases, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, and to be read a third time.

Assembly bill No. 140, an act to legalize and amend the county records of the counties of this state, was read a third time, and passed.

Senate bill No. 241, an act to quiet the title to certain lands in the city and county of San Francisco, was indefinitely postponed.

Senate bill No. 121, an act to audit the claim of Wm. Wright, was laid on the table.

Senate bill No. —, reported from Committee on Claims, an act to audit and allow the claim of Reuben S. Clark, was read first and second times, and laid over, under the rule.

Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements at the state asylum for the insane—

Mr. Melony offered a substitute for the bill.

The question being on the adoption of the substitute, the ayes and noes

were demanded by Messrs. Melny, Barry, and Holden, and taken, with the following result: Ayes, 5—noes, 13:

AYES—Messrs. Anderson, Barry, Hart, Holden, and Ketchum—5.

NOES—Messrs. Allen, Bell, Carpenter, Coulter, Ferguson of Sacramento, Garter, Grant, Gregory, Griffith, Hamm, Johnson of El Dorado, Melny, and Talliaferro—13.

DETERMINED—Mr. Seale declined voting.

So the Senate refused to adopt the substitute.

Mr. Barry asked leave of absence for Mr. Barch, for an indefinite period, which was granted.

Mr. Melny gave notice of a reconsideration of the vote just taken.

The bill was then considered, and, on motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, April 12, 1858. }

To the Senate of California:

I have, this day, approved an act to provide for binding minors, as apprentices, clerks, and servants;

Also, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, and an act entitled an act to amend an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, passed April 30, 1855."

JOHN B. WELLER

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, April 19, 1858. }

To the Senate of California:

I return, herewith, with my approval, the following bills, viz.:

An act to provide for the better observance of the Sabbath;

An act to authorize the congregation of St. Patrick's (Catholic) church, in the city of Stockton, to remove the remains of deceased persons;

An act fixing the compensation of the members of the board of supervisors of Stanislaus county;

An act to amend an act entitled "an act to fix the time for holding the terms of the district courts throughout this State, passed May 18, 1853," approved May 4, 1855, and to repeal an act to fix the time for holding the term of the district court of the second judicial district;

An act to authorize the issuance of duplicates for certain lost school-land warrants.

JOHN B. WELLER.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, April 12th, 1858. }

To the Senate of California:

I herewith return to your honorable body, without my approval, an act to improve the navigation of Petaluma Creek.

In my opinion, this act is in violation of the thirty-first section of article fourth (4th) of the constitution. It confers upon parties, therein named, certain rights and privileges, which are denied to individuals. It bestows a corporate name upon them, by declaring that they shall be known as the "Petaluma Canal Company."

Another objectionable feature in this bill, is, that it fixes the tolls to be collected for twenty years. This ought to be fixed, every three or four years, by the board of supervisors, subject to an appeal to the Legislature.

The bill authorizes the company to take private property, but fixes no mode of ascertaining its value.

If this work be an important one, I see no reason why a company cannot be organized, under the general law to construct it. The state could certainly have no objections to giving them the right of way.

JOHN B. WELLER.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 3—noes, 21:

AYES—Messrs. Merritt, Sullivan, and Taliaferro—3.

NOES—Messrs. Anderson, Baker, Bell, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Phelps, Rogers, and Soule—21.

So the Senate refused to pass the bill.

Mr. Rogers, of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your committee have examined Senate bill No. 154, entitled an act to incorporate the town of Petaluma;

Also, Senate bill No. 240, entitled an act supplementary to and amendatory of an act, entitled an act to provide for the sale of the interest of the state of California, in the property within the water-line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26, 1851, passed May 18, 1853;

Senate bill No. 292, substitute for Senate bill No. 236, and Assembly bill No. 175, entitled an act amendatory of an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, and to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, passed April 30, 1853;

And filed the same correctly enrolled, and have, this day, presented the same to the Governor, for his approval.

GEO. H. ROGERS, of the Committee.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 12, 1858. }

MR. PRESIDENT:—The Assembly, on the 3d instant, passed Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support,

and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857;

Also, on the 5th instant, passed Assembly bill No. 418, an act to amend an act entitled an act to create the county of Alameda, to establish the seat of justice therein, to define its boundaries, and to provide for its organization;

Also, on the 6th inst., passed Assembly bill No. 296, an act to separate the office of collector of taxes from the office of sheriff, in the county of Tuolumne;

Also, on the 10th inst., passed Assembly bill No. 438, an act to amend an act entitled an act to prescribe the mode of drawing grand juries and trial juries in the city and county of San Francisco, approved April 2d, 1857;

Also, Assembly bill No. 271, an act supplementary to an act to provide for the funding the indebtedness of the county of Yuba, approved March 26, 1857;

Also, Assembly bill No. 364, an act for the better protection of laborers, mechanics, and other workmen;

Also, Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same;

Also, Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail;

Also, Assembly bill No. 388, an act to audit the claim of Jonathan Nickols;

Also, Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state;

And, Senate bill No. 391, substitute for Assembly bill No. 44, an act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and to provide for the payment thereof;

Also, on the tenth instant, adopted Assembly concurrent resolution relative to boundary line between the state of California and Utah Territory;

Also, Assembly concurrent resolution relative to furnishing members of the Legislature with Journals and Laws;

Also, Assembly concurrent resolution relative to the Pacific railroad;

Also, Senate concurrent resolution No. 31, asking of Congress an appropriation to build a break-water at Crescent City, in this state;

Also, adopted Assembly concurrent resolution, directing the enrolling clerk of the Assembly to amend section six of Assembly bill No. 215, and ask the concurrence of the Senate;

Also, on Saturday, the tenth instant, adopted the report of the committee of free conference on the disagreeing vote on Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851.

J. W. SCOBAY, Clerk.

APRIL 12, 1858.

Assembly bill No. 329 was read first and second times, and referred to the Committee on Education.

Assembly bill No. 418 was read first and second times, and referred to the delegation from Alameda and Contra Costa.

Assembly bill No. 296, was read first and second times, and referred to the delegation from Tuolumne.

Assembly bill No. 438 was read first and second times, and on motion of Mr. Soule, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 271, was read first and second times, and referred to the delegation from Yuba.

Assembly bill No. 364 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 203 was read first and second times, and referred to the delegations from Nevada and Yuba.

Assembly bill No. 359 was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 388 was read first and second times, and referred to the Committee on Claims.

Assembly concurrent resolution relative to boundary line between California and Utah, was concurred in.

Assembly concurrent resolution relative to providing members of the Legislature with Journals and Laws, was laid on the table.

Assembly concurrent resolution relative to the Pacific railroad, was laid on the table.

Assembly concurrent resolution directing enrolling clerk of Assembly to correct a certain bill, was concurred in.

GENERAL FILE RESUMED.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges, was taken up, and consideration of bill, as in Committee of the Whole, dispensed with, amendments reported by committee adopted, and bill ordered engrossed, to be read a third time.

Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath, amendments reported by committee adopted, and bill ordered engrossed, and to be read a third time.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, on the 10th instant, presented to the Governor, for his approval, Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853.

GEO. H. ROGERS, of the Committee.

Report accepted.

Senate bill No. 38, an act to amend an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April 25, 1857, was indefinitely postponed.

Assembly bill No. 156, an act to provide for the preservation of school sections Nos. 16 and 36, from waste, and other injuries, was, on motion of Mr. Holden, laid on the table.

Mr. Merritt, president *pro tem.*, in the chair.

Senate bill No. 238, an act to prevent goats and stallions from running at large, was, on motion of Mr. Baker, laid on the table.

Assembly bill No. 385, an act concerning artesian wells in Santa Clara county, was read a third time, and passed.

The president resumed the chair.

Senate bill No. 182, an act to authorize the construction of certain wharves, was, on motion of Mr. Melony, placed at the foot of the calendar.

Assembly bill No. 405, an act supplementary to an act to incorporate

the city of Santa Barbara, passed April 4, 1861, was read a third time, and passed.

Assembly bill No. 446, an act concerning elections in the counties of San Luis Obispo and Santa Barbara, was read a third time, and passed.

Senate bill No. 114, reported by Committee on Claims, in reply, and in answer the claim of the late Henderson Board, was read first and second times, and laid over until the next.

The following message was received from the Assembly:

Mr. President: The Assembly, on the 10th instant, amended and passed Senate bill No. 85, an act to amend the act passed March 26, 1861, entitled an act to incorporate the city of Sacramento, and the several, new amendments and supplementary provisions, and to incorporate the city and county of Sacramento, and with the concurrence of the Senate in the amendment made to the bill.

J. NORMAN FINGAY, Assistant Clerk.

Senate bill No. 81, amendments of Assembly, were considered in.

Senate bill No. 177, an act to amend an act entitled an act to provide for the appointment and powers of the judges of probate, approved April 10, 1860, was, at request of Mr. Smith, recommended to a special committee of three, with instructions.

The same recommended Messrs. Anderson, Smith, and Grayson, as said committee.

An amendment of Mr. Leland, Senate bill No. 182 was taken from the table, and made the special order of the day for Monday, April 12, at three o'clock, p. m.

Senate bill No. 218, an act, to amend an act entitled an act to regulate proceedings in relation to cases passed May 1, 1860, was without objection, and to be read a third time.

Senate bill No. 219, an act to provide for the sale of certain property therein mentioned, was referred to the delegate from San Francisco.

The following message was received from the President:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, April 12, 1861. }

To the Senate of California:

I respectfully, in your honorable body, with my approval, the following letter, viz:

An act to incorporate the city of California.

An act supplementary to and amendatory of an act entitled an act supplementary to and amendatory of an act to amend an act to provide for the sale of the interest of the state of California in the property within the municipal limit of the city of San Francisco, as enacted in and by the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26, 1861, passed May 18, 1861.

An act supplementary to and amendatory of an act entitled an act to establish a standard of weights and measures, passed March 26, 1861, and to amend an act entitled an act to establish a standard of weights and measures, passed March 26, 1861, passed April 10, 1861.

JOHN B. WELLER.

GENERAL IDA RESUME.

Senate bill No. 264, an act for the relief of William H. Peterson, was taken up, and substitute of Committee on Claims adopted.

On motion of Mr. Thom, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 314, an act to audit certain claims, reported from Committee on Claims, was read first and second times, and, on motion of Mr. Dickinson, the rules were suspended, bill considered engrossed, read a third time, and passed.

The petition of Shafter and Heydenfeldt was recommitted to the Judiciary Committee.

The claim of El Echo du Pacifique was, on motion of Mr. Chase, laid on the table.

Senate bill No. 201, an act for the relief of Horace G. Wheeler, was, on motion of Mr. Thom, laid on the table.

The claim of the State Telegraph Company was rejected.

Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Garter, the rules were suspended, bill read a third time, and passed.

Assembly bill No. 386, an act to regulate the issue of county warrants in the county of Shasta, was read a third time, and passed.

Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte—

Mr. Ferguson of Sacramento in the chair.

Mr. Garter moved a call of the Senate.

Lost.

The president resumed the chair.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Garter, Coulter, and Hart, and taken, with the following result: Ayes, 18—noes, 7:

AYES—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Coulter, Ferguson of Sacramento, Goodwin, Griffith, Hart, Johnson of El Dorado, Ketchum, Lewis, Pacheco, Phelps, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Berry, Garter, Grant, Gregory, Hamn, Helden, and Rogers—7.

So the Senate passed the bill.

On motion of Mr. Ferguson of Sacramento, Assembly bill No. 147, an act to amend an act entitled an act securing liens to mechanics, and others, passed April 12, 1866, was taken from the file, and made the special order of the day for Wednesday, April 13, at two o'clock, p. m.

SPECIAL ORDER OF THE DAY,

Senate bill No. 182, an act to authorize the construction of certain wharves, was, on motion of Mr. Griffith, made the special order of the day for to-morrow, Tuesday, April 13, at two o'clock p. m.

Mr. Bell moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Phelps, Berry, and Garter, and taken, with the following result: Ayes, 7—noes, 16:

AYES—Messrs. Allen, Bell, Hamm, Holden, Johnson of El Dorado, Rogers, and Thom—7.

NOES—Messrs. Anderson, Baker, Berry, Carpenter, Coulter, Dickinson, Garter, Grant, Gregory, Griffith, Ketchum, Pacheco, Phelps, Soule, Sullivan, and Taliaferro—16.

So the Senate refused to adjourn.

Senate bill No. 197, an act recommending to the electors to vote for or against calling a convention to revise and change the constitution of the state, was, on motion of Mr. Griffith, made the special order of the day, for Thursday, April 15, at two o'clock P. M.

Assembly bill No. 332, an act to audit the claim of Adam Schuppert, was, on motion of Mr. Carpenter, indefinitely postponed.

Mr. Goodwin moved to adjourn.

Lost.

Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal, and to appropriate money to pay for the same—

Mr. Thom moved to refer the bill to a special committee of three, with the following instructions:

That the style of the present seal be preserved intact in the new one, and that its size be reduced six-tenths of an inch in diameter, so that the new seal, when completed shall be three and three-tenths of an inch in diameter.

Carried.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, concurred in Senate resolution, relative to adjournment *sine die*, with an amendment, and ask the concurrence of the Senate.

J. W. SCOBEE, Clerk.

Amend by striking out the words, "General Assembly," and insert "Legislature of the state of California."

J. W. SCOBEE, Clerk.

Senate concurred in the Assembly amendment.

The chair announced as special committee, to whom was referred Senate bill No. 190, Messrs. Thom, Griffith, and Baker.

Mr. Ferguson of Sacramento moved to adjourn.

Lost.

Assembly bill No. 345, an act to audit and allow the claim of Ferris Forman, was read a third time, and passed.

Senate bill No. 229, an act to audit the claim of J. Tyson—

Mr. Griffith moved to recommit the bill to the senator from Siskiyou, with the following instructions:

Strike out "seven hundred and eighteen dollars and seventy-five cents," and insert "eleven hundred and fifty dollars."

Lost.

The bill was then passed.

On motion of Mr. Allen, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

TUESDAY, April 13, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

The journal of yesterday was read and approved.

On motion of Mr. Anderson, Mr. Pacheco was granted leave of absence, for an indefinite period.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 104, an act fixing the times at which representatives in Congress shall be elected, was taken up.

Mr. Anderson moved a call of the Senate, which was carried.

The roll was called.

Absent—Messrs. Griffith, Ketchum, Merritt, Melony, and Rogers.

The sergeant-at-arms was dispatched for absentees.

Messrs. Melony, Merritt, Rogers, and Griffith, appearing at the bar of the Senate, were admitted.

On motion of Mr. Baker, further proceedings under the call were dispensed with.

The question being on the third reading of the bill, the ayes and noes were demanded by Messrs. Rogers, Gregory, and Phelps, and taken, with the following result; Ayes, 21—noes, 9:

AYES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Taliaferro, and Thom—21.

NOES—Messrs. Bell, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Grant, Johnson of Sacramento, Soule, and Sullivan—9.

So the bill was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Carpenter, and Gregory, and taken, with the following result: Ayes, 22—noes, 9:

AYES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Taliaferro, and Thom—22.

NOES—Messrs. Bell, Carpenter, Chase, Ferguson of Sacramento, Goodwin, Grant, Johnson of Sacramento, Soule, and Sullivan—9.

So the bill was passed.

FURTHER SPECIAL ORDER,

Being the general file.

Mr. Ferguson of Sacramento, moved to lay the general file temporarily on the table, in order to consider Assembly bill No. 112.

Carried.

SPECIAL ORDER.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken up.

Mr. Ferguson of Sacramento moved to dispense with the consideration of the bill, as in Committee of the Whole.

Carried.

The question, being on the adoption of the first amendment, to wit :

"To appropriate the proceeds of sales exclusively to the drainage and reclamation of unsold lands."

Was put, and the Senate refused to adopt the amendment.

The question, being on the adoption of the following amendment :

Strike out all after the word "purchased" in eighth line of section two of printed bill, down to the word "affiant," inclusive, in the ninth line of said section, and insert in lieu thereof, "that he has made actual settlement upon said land, and that the same is being cultivated by him."

Was put and lost.

The following amendment of the committee was adopted :

Strike out the word "either" in the fourth line of the fourth section.

The following amendment was also adopted :

Strike out all after the word "money," in the same line of said section, to the word "and," in the fifth line of the same section.

The following amendments were adopted :

Strike out all after the word "moneys," in the second line of the fifth section, to the word "received," in the third line of said section. Insert the word "and," between the word "surveyor" and the word "the," in the fifth line of said section; also, strike out the sixth and seventh lines of said section five.

The following amendment was adopted :

Strike out all after the word "money," in the first line of the sixth section, to the word "according," in the second line of said section.

The following amendment was lost :

Strike out all of same section, after the word "surveys," in fifth line of printed bill.

The following amendment was adopted :

Add at the end of section seven: "*Provided*, that neither the patent provided for in this section, nor the certificate provided for in the sixth section of this act, shall have any other legal effect or force, than as a quit-claim of all right, title, and interest, on the part of the state."

The following amendment was lost :

Strike out all after the word "survey," in the third line of the eighth section, to the word "or," in the same line of said section.

The following amendment was lost :

Strike out all after the word "possession," where it first occurs in the sixth line of the ninth section, to the word "provided," in the seventh line of the same section.

The following amendment was lost :

Strike out all of the eleventh section, after the word "government," in the third line of the same.

Mr. Carpenter offered the following amendment to section seven of the bill :

Strike out, in second line of section seven, the words "persons holding," and insert "original holders of;" insert after the word "or," in line five, of same section, the words "in case of death." Strike out all after the word "representatives," in line six, of same section.

Mr. Soule offered the following as an amendment to the amendment, which was lost :

Strike out all after the letters "tives," in sixth line of section seven, to the word "and," in seventh line, and insert the following: "in case of the decease of the original holder of said certificate;" and also insert, after the word "purchaser," in eighth line of said section, the words "for the uses of the estate of the original holder of said certificate. Strike out the words "assignee or," in seventh line of same section.

The question recurring on the adoption of the amendment to section seven, offered by Mr. Carpenter, the ayes and noes were demanded by Messrs. Carpenter, Melony, and Ferguson of Sacramento.

Mr. Holden asked leave of absence for Mr. Hart, for one day, which was granted.

Messrs. Coulter, Berry, Grant, and Taliaferro, were excused from voting.

The roll was then called, with the following result; Ayes, 10—noes, 13 :

AYES—Messrs. Anderson, Baker, Carpenter, Dickinson, Ferguson of Sierra, Hamm, Johnson of El Dorado, Merritt, Soule, and Sullivan—10.

NOES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Goodwin, Gregory, Griffith, Holden, Johnson of Sacramento, Ketchum, Melony, Phelps, and Rogers—13.

So the amendment was rejected.

Mr. Soule offered the following amendment to section fourteen :

Amend section fourteen by striking out of the first line, the words "five miles of the cities," and insert the words, "the city and county of

San Francisco;" also, insert the words, "and within five miles of," after the words "San Francisco," in said first line.

Mr. Carpenter offered the following, as an amendment to the amendment, which was lost:

Insert, after the word "within," [the amendment does not appear in the MS.]

The question, recurring on the adoption of the amendment of Mr. Soule, was put, and carried.

Mr. Carpenter moved to recommit the bill to the special committee, with the following instructions, which was lost.

Recommit, with instructions to incorporate in the bill, with reference to all swamp and overflowed lands heretofore excluded from market, such a graduation of prices as shall subject all those now occupied and cultivated by actual settlers to sale at one dollar per acre, and all such as shall be purchased for further settlement and cultivation, at five dollars per acre.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Anderson, Melony, and Carpenter, and taken, with the following result: Ayes, 14—noes, 10:

AYES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Goodwin, Gregory, Griffith, Holden, Johnson of Sacramento, Melony, Phelps, Rogers, Soule, and Thom—14.

NOES—Messrs. Anderson, Baker, Carpenter, Dickinson, Ferguson of Sierra, Garter, Johnson of El Dorado, Lewis, Merritt, and Sullivan—10.

EXCUSED—Messrs. Ketchum, Berry, Hart, Taliaferro, and Coulter, were excused from voting.

So the bill was passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 13, 1858. }

To the Senate of California:

I have, this day, approved an act to amend an act entitled an act authorizing the formation of plank and turnpike roads, passed May 12, 1853;

Also, an act to amend an act declaring Feather River navigable, passed March 14, 1857;

Also, an act to audit the claim of Robert G. Crozier.

JOHN B. WELLER.

Mr. Phelps moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly bill No. 332, an act to audit the claim of Adam Schuppert.

On motion of Mr. Phelps, the motion to reconsider was laid on the table.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday, the 10th instant, passed

Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary;

Also, on the 12th instant, passed Assembly bill No. 360, an act to amend an act concerning crimes and punishments, passed April 16, 1850;

Assembly bill No. 380, an act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell the real estate of the testator at private sale;

Also, Senate bill No. 265, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851;

Also, on the 9th inst., passed Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco.

J. W. SCOBEEY, Clerk.

APRIL 13, 1858.

Assembly bill No. 300 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 360 was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 380 was read first and second times, and referred to the Judiciary Committee.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 273, entitled an act for the relief of Paul Shirley, late sheriff of Solano County, find the same correctly enrolled, and have this day presented it to his Excellency the Governor, for his approval.

GEO. H. ROGERS, of the Committee.

Assembly bill No. 356 was read first and second times, and referred to the delegation from San Francisco.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have, this day, passed Assembly bill No. 316, an act concerning the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco;

Also, Assembly bill No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the cañon, in Sacramento Valley;

Also, Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians to this State;

Also, Assembly bill No. 395, an act to restrict and prevent the immigration to, and residence in this State, of negroes and mulattoes.

J. W. SCOBEEY, Clerk.

Assembly bill No. 316 was read first and second times, and referred to the delegation from San Francisco and San Mateo.

GENERAL FILE RESUMED.

Assembly bill No. 196 was read first and second times, and referred to the delegations from Napa, Solano, and Yolo.

Assembly bill No. 402 was read first and second times, and referred to the Committee on Federal Relations.

Assembly bill No. 395 was read first and second times, and referred to the Committee on Federal Relations.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have, this day, passed Assembly bill No. 436, an act to audit the claim of Elliot, Cook, and Cofran.

J. W. SCOBEEY, Clerk.

Assembly bill No. 436 was read first and second times, and laid over, under the rule.

FURTHER SPECIAL ORDER.

Senate bill No. 44, an act to provide for the construction of a bulk-head or sea-wall, in front of the city and county of San Francisco, was taken up.

On motion of Mr. Ferguson of Sacramento, it was made the special order of the day for Thursday, April 14, at two o'clock, P. M.

FURTHER SPECIAL ORDER.

Senate bill No. 182, an act to authorize the construction of certain wharves, was taken up.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Bell, Melony, and Dickinson, and taken, with the following result: Ayes, 12—noes, 6 :

AYES—Messrs. Anderson, Allen, Bell, Chase, Coulter, Garter, Goodwin, Griffith, Johnson of El Dorado, Soule, Sullivan, and Taliaferro—12.

NOES—Messrs. Baker, Dickinson, Holden, Ketchum, Melony, and Phelps—6.

So the bill was passed.

Mr. Gregory, by leave, presented the petition of the board of supervisors of Santa Cruz county, which was referred to the Committee on Finance.

Mr. Baker presented the claims of the San José Telegraph, the Democratic State Journal, and of Wells, Fargo & Co., which were referred to the Committee on Contingent Expenses.

Mr. Chase, chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer, have had the same under consideration, and recommend its passage ;

Also, Assembly bill No. 281, an act to pay Thomas Tennent, for storage of the standard of weights and measures belonging to this state, and recommend its passage ;

Also, Assembly bill No. 413, an act providing for registration of marriages, births, divorces, and deaths, in California, and recommend its passage ;

Also, Senate bill No. 294, an act concerning partition deeds of minors, in certain cases, and recommend its passage ;

Also, Assembly bill No. 34, an act to amend the act concerning sheriffs, passed April 29, 1851, have had the same under consideration, and report a substitute, and recommend its passage;

Also, Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases, and recommend its passage;

Also, petition of John Center for rent of state prison grounds, houses, etc., recommend that it be referred to the State Prison Committee;

Also, Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, and recommend that it be referred to the State Prison Committee;

Also, Senate bill No. 266, proposed amendments to the constitution of this state, and recommend that it be indefinitely postponed.

S. H. CHASE, Chairman.

Mr. Bell made a verbal report on Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail, recommending its passage.

Report accepted, and, with bill, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Senate bill No. 299, entitled an act prohibiting the owner or owners of goats from allowing them to run at large, have had the same under consideration, and respectfully report the same to the Senate, with following amendments:

First—Add to second section the following amendment:

"The provisions of this act shall not be so construed as to apply to any county in this state except the county of Alameda."

Second—Amend the title of the bill by adding the following:

"In the county of Alameda."

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Taliaferro, chairman of the Committee on Public Hospitals, made the following report:

MR. PRESIDENT:—Your Committee on Hospitals, to whom was referred Assembly bill No. 279, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1851, beg leave to report it back, and recommend its indefinite postponement.

ALFRED W. TALIAFERRO, Chairman.

Report accepted, and with bill, placed on file.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following accounts, and recommend that they be paid out of the contingent fund:

El Clamor Publico,	-	-	-	-	-	-	-	-	-	\$10 00
Stockton Democrat,	-	-	-	-	-	-	-	-	-	4 00
San José Tribune,	-	-	-	-	-	-	-	-	-	2 00
Napa Reporter,	-	-	-	-	-	-	-	-	-	2 00
Kirk & Co., for stationery,	-	-	-	-	-	-	-	-	-	112 50

BAKER, Chairman.

Report accepted, and adopted.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 243, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, approved April 30, 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco;

Also, Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1852;

Also, Senate bill No. 247, an act to allow Lindley Carson to sell real estate;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ferguson of Sacramento, gave notice that he would, at an early day, introduce a bill requiring railroad companies to fence in on each side of their track, to prevent the loss of stock.

Mr. Ferguson of Sacramento presented the claim of J. N. Irwin, as clerk of the Committee on Claims, which was referred to the Committee on Claims.

Mr. Johnson of Sacramento, of the select committee, made the following report :

MR. PRESIDENT :—The select committee, to whom was referred Senate bill No. 186, an act for the relief of Sacramento county, with special instructions to inquire into and report the amount of the expenses incurred in the prosecution of Henry Bates, have had the same under consideration, and find the sum expended by Sacramento county to be \$1,064 15, and the sum expended by Placer county, \$1,829; making, in all, \$2,893 15, as will more fully appear by referring to vouchers accompanying this report. All of which is respectfully submitted.

JOSIAH JOHNSON,
S. H. CHASE,
D. T. GREGORY.

Report accepted, and, with bill, placed on file.

Mr. Merritt, president *pro tem.*, in the chair.

Mr. Bell reported back, verbally, Assembly bill No. 418, an act to amend an act entitled an act to create the county of Alameda, to establish the seat of justice therein, and to define its boundaries, and to provide for its organization, recommending its passage.

Report accepted, and, with bill, placed on file.

Mr. Allen, of the delegation, made the following report :

Mr. PRESIDENT:—The Yuba delegation, to whom was referred Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 29, 1857, have had the same under consideration, and report a substitute, and recommend its passage.

ISAAC ALLEN,
J. O. GOODWIN.

Report accepted, and, with bill, placed on file.

Mr. Goodwin reported back, verbally, Assembly bill No. 271, an act supplementary to an act to provide for the funding the indebtedness of the county of Yuba, approved March 26, 1857, recommending its passage.

Report accepted, and bill placed on file.

Mr. Bell asked leave to introduce a bill, which the chair, Mr. Merritt, ruled out of order, under a resolution adopted by the Senate on yesterday.

Mr. Melony rose to a point of order: That previous notice of a bill having been given before the resolution was passed, prohibiting the introduction of new business, that the resolution did not affect the bill, on account of previous notice.

The chair ruled the point not well taken.

Mr. Melony appealed from the decision of the chair.

Question, being "Shall the decision of the chair stand as the judgment of the Senate?" was put, and carried.

So the decision of the chair was sustained.

On motion of Mr. Griffith, the vote by which the Senate, on yesterday, adopted resolution prohibiting the introduction of new business after April 13, at twelve o'clock, was reconsidered.

Mr. Griffith then moved to strike out April 13, and insert Saturday, April 18.

Carried.

The resolution, as amended, was then adopted.

INTRODUCTION OF BILLS.

Mr. Bell then introduced a bill for an act extending the privileges of the homestead law to certain persons.

Read first and second times, and placed at the foot of the calendar.

Mr. Grant, by leave, introduced a bill for an act to authorize the tax collector of the city and county of San Francisco to receive certain evidences of indebtedness of said city and county, in payment of taxes.

Read first and second times, and referred to the San Francisco delegation.

Mr. Grant, by leave, introduced a bill for an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851.

Read first and second times, and referred to the Judiciary Committee.

Mr. Griffith, by leave, introduced a bill for an act to amend an act entitled an act to change the time of holding courts of sessions and county courts, in the county of Napa, approved February 14, 1855.

Read first and second times, and, on motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Ferguson of Sierra, by leave, introduced a bill for an act to amend an act entitled an act to create the county of Sierra, and to establish the seat of justice therein, to define its boundaries, and provide for its organization, passed April 16, 1852.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Johnson of El Dorado, by leave, introduced a bill entitled an act to audit the claim of Edward H. Beale, for services rendered while in the service of the state, in 1856.

Read first and second times, and referred to the Committee on Claims.

On motion of Mr. Johnson of El Dorado, the claims of Bishop and others were taken from the table, and referred to the Committee on Claims.

GENERAL FILE.

Senate bill No. 243, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, approved April 30, A. D. 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco, was read a third time, and passed.

Senate bill No. 242, an act to amend an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1857, was read a third time, and passed.

Senate bill No. 247, an act to allow Lindley Carson to sell real estate, was read a third time, and passed.

Assembly bill No. 410, an act for the relief of certain persons, was read a third time, and passed.

Assembly bill No. 347, an act to audit certain claims, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill read a third time, and passed.

Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes, was read a third time and passed.

Senate bill No. 149, an act for the relief of Francis R. Crussell, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Question being on ordering the bill engrossed for a third reading, the ayes and noes were demanded, by Messrs. Bell, Carpenter, and Johnson of El Dorado, and taken, with the following result: Ayes, 11—noes, 13:

AYES—Messrs. Chase, Coulter, Ferguson of Sacramento, Goodwin, Hamm, Johnson of El Dorado, Ketchum, Phelps, Soule, Sullivan, and Taliaferro—11.

NOES—Messrs. Anderson, Baker, Berry, Bell, Carpenter, Dickinson, Garter, Gregory, Holden, Johnson of Sacramento, Lewis, Merritt, and Melony—13.

So the Senate refused to order the bill engrossed.

Mr. Bell gave notice of a reconsideration of the vote just taken.

On motion of Mr. Holden, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y of Senate.

IN SENATE.

WEDNESDAY, April 14, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

On motion of Mr. Holden, leave of absence, for one day, was granted Mr. Hart.

Mr. Baker presented the account of the Shasta Courier and post-office account, which were referred to the Committee on Contingent Expenses.

Mr. Ferguson, of Sacramento, presented the claim of N. A. H. Ball, for examining the books and accounts of Henry Bates, late State Treasurer, amounting to \$500, which was referred to the Committee on Claims.

Mr. Goodwin, chairman of the Committee on State Prison and Public Buildings, made the following reports :

MR. PRESIDENT :—The Committee on State Prison and Public Buildings report back Senate bill No. 146, with amendments, according to special instructions.

J. O. GOODWIN, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT :—The Committee on State Prison and Public Buildings have considered Senate bill No. 297, and report the same back, with the recommendation that it be indefinitely postponed.

J. O. GOODWIN, Chairman.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT :—Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of all claims against the state, arising from the late management and direction of the state prison, has been considered by the Committee on State Prison and Public Buildings, to whom it was referred, and in reporting thereon it is deemed proper to state, in this connection, that the bill proposes a full and complete settlement and adjudication of all claims and demands against the state, and its officers and authorities, for all matters connected with or growing out of the supposed contract of the late lessee and his assigns, or the late acts of the Legislature, and the appropriation, whatever it may be, is not to take effect until full releases and discharges are made by said lessee and his assigns. The committee, believing that in entering upon a new system of management and direction of the state prison, that it is very desirable to leave nothing of the past unsettled, but that the state may start anew, unembarrassed by open claims and contested points, which may be made the cause of future trouble, difficulty and expense, either by protracted law suits or otherwise, in the nature of relief claims to future Legislatures; the committee, or that portion who have heard the testimony in the premises, were all disposed to take a liberal view of the claim of Mr. McCauley, in connection with this subject, being satisfied that he became the assignee of Estell in good faith. That the taking by the state of the prison and prisoners, from Mr. McCauley, has seriously deranged and embarrassed his business, the committee have no

doubt; but your committee also believe there was no valid or binding contract (in law) between the state and Gen. Estell and McCauley; and further, that even upon grounds of public policy and expediency, the power of the state was properly called into exercise, yet the committee think that it is becoming and proper for a state, under such circumstances, to be extremely careful of the rights and claims of the citizen, against whom her power is thus brought to bear, especially when the citizen is denied by law an action against the state in the courts of justice. Under such circumstances it behooves a powerful state to see that nothing of hardship, oppression or injustice, or even the appearance of it, characterizes any of her acts; the committee, believing it as much due to the dignity of the state as to that zealous care of individual rights which she should cherish, to accompany this act of her power with a just and liberal consideration for the claims of those who are the subjects of its exercise, thus removing any imputation that it was a tyrannical or arbitrary exercise of power on the part of the state.

Upon examination, your committee find that the prison and prisoners were kept by Estell and McCauley twenty-three months and five or six days, which, at \$10,000 per month, would amount to the sum of \$230,000, in round numbers, of which sum \$210,000 has been paid; the remaining \$20,000 your committee recommend be paid, which will leave only the *equitus* between the state and McCauley to be settled, which your committee recommend be done without regard to the supposed contract between the state and Estell, under which McCauley claims. As the bill does not propose to take effect until full releases are made by both Estell and McCauley to the state, it is as well to settle with McCauley and Estell.

The first question sought to be determined by the committee, was, in the absence of any contract, what would be a fair compensation per month for keeping the prisoners, which was, in the estimate, set down at eight thousand dollars per month, which, for twenty-three months, would amount to the sum of one hundred and eighty-four thousand dollars, to which add the value of the permanent improvements made on the prison property, as reported by the committee to examine the same, and otherwise ascertained, amounting in the aggregate to the sum of one hundred and eighteen thousand seven hundred and thirty dollars, making in all the sum of three hundred and two thousand seven hundred and thirty dollars, from which deduct the sum of two hundred and thirty thousand dollars, the amount of monthly instalments, and a balance is left due Mr. McCauley of seventy-two thousand seven hundred and thirty dollars, which amount your committee recommend be inserted in the bill, instead of seventy-five thousand dollars, and that the bill pass, as amended.

J. O. GOODWIN,

Chairman of State Prison and Public Building Committee.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT:—The Committee on State Prison and Public Buildings have considered Senate bill No. 144, an act appropriating money for the support of the state prison, and report the same back, and recommend the passage, without amendment.

J. O. GOODWIN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, of the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Incorporations have examined Senate bill No. 306, an act amendatory of and supplementary to an act, approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22, A. D. 1850, and a majority have agreed to report the bill back, without recommendation.

WM. T. LEWIS, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—Your Committee on Engrossed Bills have examined Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges ;

Also, Senate bill No. 248, an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851 ;

Also, Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ferguson, chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 276, have had the same under consideration, and recommend its passage.

W. I. FERGUSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of the Enrolling Committee, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills have examined Senate bill No. 301, substitute for Assembly bill No. 44, entitled an act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof ;

Also, Senate bill No. 262, entitled an act to audit the claim of D. H. Carpenter ;

Also, Senate bill No. 194, entitled an act the better to enable the collection of judgments in favor of the state ;

And find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Dickinson reported back, verbally, Assembly bill No. 388, an act to audit the claim of Jonathan Nickols, recommending its passage.

Report accepted, and bill placed on file.

Mr. Bell, chairman of the Committee on Education, made the following report :

MR. PRESIDENT:—The Committee on Education beg leave to report back to the Senate, Assembly bill No. 329, relating to common schools, recommending its passage, with an amendment.

BELL, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Thom made the following report:

MR. PRESIDENT:—The special committee to whom was referred Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal of state, and to appropriate money for the payment thereof, having had the same under consideration, report the bill back to the Senate, with the following amendments, after the adoption of which, the passage of the bill is recommended:

Amendments.—Strike out the amendment at the end of section two, which reads: "The design and size of the seal, hereby authorized to be made, shall be the same as that of the present great seal of state," and insert, in the place thereof, the following: "The design of the present seal shall be preserved intact, in the new one, but the size thereof shall be reduced six-tenths of an inch in diameter, so that the new seal, when completed, shall be three and three-tenths of an inch in diameter.

C. E. THOM, Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 11th instant, adopted resolution relative to printing and distribution of certain laws in Spanish, and ask the concurrence of the Senate;

Also, passed, on yesterday, Assembly bill No. 457, an act fixing the salary of the district attorney of Solano county;

Also, have, this day, passed Senate bill No. 300, an act to audit the claim of G. W. Ryckman.

J. W. SCOBEEY, Clerk.

Assembly concurrent resolution was referred to the delegations from the the first, second, and third districts.

Assembly bill No. 457 was read first and second times, and referred to the senator from Solano.

Mr. Bell, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, refused to order to an engrossment Senate bill No. 149, an act for the relief of Francis R. Crussell.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Bell, and Carpenter.

Mr. Carpenter moved a call of the Senate.

Lost.

Mr. Bell asked leave of absence, for Mr. Melony, for the day, which was granted.

The roll was then called, with the following result: Ayes, 13—noes, 9:

AYES—Messrs. Allen, Bell, Chase, Coulter, Goodwin, Grant, Johnson of El Dorado, Ketchum, Phelps, Rogers, Soule, Sullivan, and Taliaferro—13.

NOES—Messrs. Anderson, Baker, Carpenter, Dickinson, Garter, Gregory, Holden, Johnson of Sacramento, and Merritt—9.

EXCUSED—Messrs. Ferguson of Sacramento and Thom were excused from voting.

DECLINED—Mr. Lewis declined voting.

So the vote was reconsidered.

Mr. Gregory moved to recommit the bill to a special committee of three, with instructions to examine the subject, and report a general bill, if, in their opinion, they deem proper.

Carried.

The chair announced, as the special committee, Messrs. Gregory, Bell, and Anderson.

Mr. Berry gave notice that he would, on to-morrow, introduce a bill to amend the act incorporating Crescent City, in Del Norte county;

Also, a bill to amend the act incorporating Yreka City, in Siskiyou county.

On motion of Mr. Chase, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer, was taken from the file, and made the special order for to-day, Wednesday, April 14, at two o'clock, P. M.

On motion of Mr. Merritt, Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856, was taken from the file, considered, and bill read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Merritt, Soule, and Johnson of El Dorado, and taken, with the following result; Ayes, 18—noes, 5:

AYES—Messrs. Anderson, Baker, Chase, Coulter, Dickinson, Garter, Grant, Gregory, Griffith, Holden, Johnson of Sacramento, Ketchum, Merritt, Phelps, Soule, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Berry, Ferguson of Sierra, Hamm, Johnson of El Dorado, and Rogers—5.

So the bill was passed.

Mr. Bell, from a special committee, made the following report:

MR. PRESIDENT:—The special committee, to whom was referred an act for the relief of Francis R. Crussell, with special instructions to report a general bill, beg leave most respectfully to report, that it is impossible, at so late a day in the session, to originate and perfect an act in which would be included many intricate provisions, involving the whole system of pensions.

Your committee are most respectfully of the opinion, that the state is not yet prepared to institute a pension system.

Your committee, would, therefore, beg leave to report the bill back to the Senate.

BELL, of the Committee.

Mr. Bell, of the committee, recommended its passage.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
 April 14, 1858. }

MR. PRESIDENT :—The Assembly, to-day, passed Assembly bill No. 179, an act for the better protection of stock-raisers ;

Also, Assembly bill No. 336, an act to prevent stallions from running at large in certain counties of this state ;

And Assembly bill No. 381, an act to authorize the purchase of a lot for the use of the San Francisco Hospital.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 179 was read first and second times, and referred to Committee on Agriculture.

Assembly bill No. 336 was read first and second times, and referred to the senator from Alameda.

Assembly bill No. 381 was read first and second times, and referred to the delegation from San Francisco.

GENERAL FILE.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges—

Mr. Anderson moved a call of the Senate.

Carried.

The roll was called, and sergeant-at-arms dispatched for absentees.

Messrs. Lewis and Hamm appearing at the bar of the Senate, were admitted.

And, on motion of Mr. Ferguson of Sacramento, further proceedings under the call were dispensed with.

The question, being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Rogers, and Gregory.

Mr. Holden moved to recommit the bill, with the following instructions—

Mr. Phelps in the chair :

Add to section four the following proviso : "*And provided, further, that the fee simple to the land intended to be granted to said company by the provisions of this act, shall not pass to said railroad company, nor shall said company be deemed to have acquired any title thereto, until the Surveyor General of this state shall have certified to the register of the state land office, that the said lands intended to be granted by this act, is reclaimed, and made fit for cultivation, and that all the conditions of the grant have been fully performed in accordance with the provisions of this act.*"

Add to section five : "*The odd sections of land designated by section three of this act, are hereby withdrawn from market.*"

The president resumed the chair.

Upon which, the ayes and noes were demanded by Messrs. Ketchum, Gregory, and Holden, and taken, with the following result : Ayes, 12—noes, 16 :

AYES—Messrs. Anderson, Baker, Dickinson, Gregory, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Meritt, and Rogers—12.

NOES—Messrs. Allen, Berry, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Phelps, Soule, Sullivan, Taliaferro, and Thom—16.

So the motion was lost.

The question recurring on the passage of the bill, the ayes and noes having been demanded, the roll was called, with the following result :
Ayes, 17—noes, 11 :

AYES—Messrs. Allen, Berry, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Holden, Phelps, Soule, Sullivan, Taliaferro, and Thom—17.

NOES—Messrs. Anderson, Baker, Dickinson, Gregory, Hamm, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Rogers—11.

So the bill was passed.

Mr. Holden gave notice of a reconsideration of the vote just taken.

Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties, was read a third time, and passed.

Senate bill No. 248, an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, was read a third time, and passed.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on the 12th inst., passed Senate bill No. 212, an act for the incorporation of water companies, with amendments, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

Senate bill No. 212, was, on motion of Mr. Dickinson, referred to the Committee on Corporations, with instructions to report on to-morrow.

Senate bill No. 268, an act concerning bridges, was, on motion of Mr. Ketchum, referred to the Committee on Roads and Highways.

Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning—

Mr. Holden offered the following amendment :

Amend the Assembly amendment to section twelve, by striking out the same and inserting the following :

“ An act passed May 3, 1852, entitled an act to provide for the disposal of the five hundred thousand acres of land granted to this state by act of Congress passed April 4, A. D. 1841, and an act passed May 7, A. D. 1855, entitled an act to provide for the selection of land donated by the United States to this state, for the support of common schools, and for the erection of public buildings, and all other acts conflicting with the provisions of this act are hereby repealed; *Provided, however.*”

Adopted.

Assembly joint resolution No. 10, relative to J. M. Ainsa, was read a third time, and passed.

Assembly concurrent resolution relative to removal of Indians, was, on motion of Mr. Soule, referred to the senator from Monterey.

Senate bill No. 258, an act to exempt pensioners of the revolutionary war, or the war of 1812, from taxation, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee rejected.

Mr. Taliaferro moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. Holden, Soule, and Bell, and taken, with the following result: Ayes, 12—noes, 10:

AYES—Messrs. Chase, Dickinson, Ferguson of Sierra, Gregory, Griffith, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Soule, and Taliaferro—12.

NOES—Messrs. Baker, Berry, Bell, Ferguson of Sacramento, Goodwin, Hamm, Holden, Johnson of Sacramento, Rogers, and Sullivan—10.

So the bill was indefinitely postponed.

Mr. Ferguson of Sacramento moved to take from the table the motion to reconsider the vote by which the Senate rejected Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco.

Carried.

The question being on reconsidering the vote, the ayes and noes were demanded by Messrs. Soule, Grant, and Phelps, and taken, with the following result: Ayes, 16—noes, 7:

AYES—Messrs. Baker, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Taliaferro—16.

NOES—Messrs. Berry, Dickinson, Grant, Gregory, Phelps, Soule, and Sullivan—7.

So the vote was reconsidered.

Mr. Soule moved a call of the Senate.

Lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Soule, Sullivan, and Phelps, and taken, with the following result: Ayes, 16—noes, 9:

AYES—Messrs. Allen, Baker, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Phelps, and Taliaferro—16.

NOES—Messrs. Anderson, Berry, Dickinson, Garter, Grant, Gregory, Soule, Sullivan, and Thom—9.

DECLINED—Messrs. Bell, Johnson of El Dorado, and Rogers, declined voting.

So the bill was passed.

Mr. Phelps gave notice of a motion to reconsider the vote just taken. The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, yesterday, passed Assembly concurrent resolution relative to a weekly mail, by ocean steamers, from San Francisco to San Diego, *via* Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans;

And, to-day, passed Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight.

J. N. BINGAY, Ass't Clerk.

Assembly concurrent resolution was concurred in.

Assembly bill No. 274, was read first and second times, and referred to the Judiciary Committee.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856—

Mr. Phelps in the chair.

Mr. Anderson moved to recommit the bill to the Judiciary Committee. Lost.

The question being on adoption of the report of the Judiciary Committee, to indefinitely postpone the bill, was put, and lost.

The bill was then read a third time, and passed.

Mr. Merritt in the chair.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 300, an act to audit the claim of G. W. Ryckman, and find the same correctly enrolled.

E. GARTER.

Report accepted.

FURTHER SPECIAL ORDER.

Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer, was taken up, and, on motion of Mr. Johnson of El Dorado, made the special order of the day for to-morrow, Thursday, April fifteenth, at two o'clock, P. M.

On motion of Mr. Lewis, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

THURSDAY, April 15, 1858.

Senate met pursuant to adjournment.

President in the chair.

The roll was called.

Journals of yesterday read and approved.

Mr. Holden, pursuant to notice, moved to reconsider the vote by which

the Senate, on yesterday, passed Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, an incorporated company, incorporated under the laws of this state, certain rights and privileges, and for other purposes.

Mr. Goodwin moved a call of the Senate.

Lost.

The question being on Mr. Holden's motion to reconsider, the ayes and noes were demanded by Messrs. Holden, Gregory, and Carpenter, and taken, with the following result : Ayes, 13—noes, 16 :

AYES—Messrs. Anderson, Baker, Burton, Carpenter, Dickinson, Gregory, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Rogers, and Sullivan—13.

NOES—Messrs. Allen, Berry, Bell, Chase, Coulter, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Merritt, Melony, Soule, Taliaferro, and Thom—16.

So the motion was lost.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills report that, on the 14th day of April, at half-past three o'clock, p. m., they presented to the Governor, for his approval, the following bills, viz. :

Senate bill No. 300, an act to audit the claim of G. W. Ryckman ;

Also, Senate bill No. 262, an act to audit the claim of D. H. Carpenter ;

Also, Senate bill No. 301, an act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof ;

Also, Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state.

E. GARTER, Chairman.

Report accepted.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 40, relating to mining canals and water-ditches for mining purposes, have had the same under consideration, and beg leave to report the same back to the Senate, and recommend its passage, without amendment.

All of which is respectfully submitted.

SAM'L MERRITT,

Chairman Committee on Federal Relations.

ISAAC ALLEN,

E. L. SULLIVAN.

Report accepted, and, with resolution, placed on file.

Mr. Bell, chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred the act to amend an act concerning crimes and punishments, have considered the same, and unanimously recommend its passage, after being amended as follows :

First—Strike out of line eleven “or fermented” and insert instead thereof, “or intoxicating.”

Second—Add to the end of the bill the following :

Provided, that nothing in this act contained, shall in any wise affect the rights of any persons carrying on a regular business in the sale of liquors, wholesale or retail, in store, saloon, or otherwise, established at the time of the commencement of such religious meeting, as described in this act.

BELL, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have examined the following accounts, and recommend payment from the contingent fund : San José Telegraph, \$18 ; Democratic State Journal, \$68 75 ; Shasta Courier, \$18 ; Plumas Argus, \$12 ;

Also, the following bills to be paid from the post-office fund : Wells, Fargo & Co., \$100 ; Sacramento City post-office, \$25 90 ;

Also, bill of Sacramento City post-office for \$45 90, which the committee think they have previously reported to the Senate.

BAKER, Chairman.

Report adopted, with the exception of the last item relating to Sacramento post-office.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 259, an act to legalize the acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco ;

Also, Senate bill No. 171, an act providing compensation for physicians and surgeons, in certain cases ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

The Committee on Corporations made the following report :

MR. PRESIDENT :—The Committee on Corporations have had under consideration the amendments to Senate bill No. 212, and herewith return the bill, recommending to the Senate to concur in the said amendments, as adopted by the Assembly ;

They have also had under consideration Assembly bill No. 393, an act amendatory and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853. Your committee are not able to discover a necessity for the passage of the bill, there being already a law upon the statute book providing for organization for the navigation of the waters of the ocean and of this state. The bill is returned, without recommendation ;

They also return Senate bill No. 307, an act granting the right of way to the Oxon Company, and authorizing said company to turn the head waters of the Klamath River into any of the streams forming the head

waters of the Sacramento River, and to collect a revenue therefrom. Your committee recommend the indefinite postponement of the bill.

JAMES ANDERSON, Chairman.

WM. T. LEWIS,

G. J. CARPENTER.

Report accepted, and, with bills, placed on file.

Mr. Merritt, of the delegation, made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 322, an act amendatory of an act entitled an act fixing the salaries of the county judge, and of the district attorney of the county of Tulare, approved April 16th, 1856, begs leave to report the same back to the Senate, and recommend its passage, without amendment. All of which is respectfully submitted.

MERRITT, Senator Sixth District.

On motion of Mr. Merritt, the rules were suspended, bill read a third time, and passed.

Mr. Griffith reported back, verbally, Assembly bill No. 457, an act fixing the salary of the district attorney of Solano County, recommending its passage.

Report accepted, and, on motion of Mr. Griffith, the rules were suspended, bill read a third time, and passed.

Mr. Bell reported back, verbally, Assembly bill No. 336, an act to prevent stallions from running at large in certain counties of this state, recommending its passage.

Report accepted, and placed on file.

Mr. Sullivan, of the delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Assembly bill No. 381, an act to authorize the purchase of a lot for the use of the San Francisco Hospital, have had the same under consideration, and respectfully recommend its passage.

SULLIVAN, for Delegation.

The bill was referred to the Committee on Hospitals.

Mr. Soule made the following report :

MR. PRESIDENT :—The majority of the special committee, consisting of the San Francisco and San Mateo delegation, to whom was referred Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco, have considered the same, and report the same back, recommending the annexed amendments, and the passage of the bill :

Amend as follows : Strike out the word "six," in sixth line of seventh section, and insert "ten;" strike out the word "four," and insert "six," in eleventh line of same section. Strike out the word "two," in fourth line of third section, and insert "three." Strike out the word "three," and insert "five," in seventh line of same section. Strike out the word "two," and insert "five," in fourth line of fifth section. Strike out the word "eight," and insert the word "ten," in the sixth line of same section. Strike out the word "ten," and insert "fifteen," in the eighth line of eighth section.

Add an additional section :

Section —. Constables, in said city and county, shall receive, for all services rendered, or to be rendered by them in any suits, or proceedings in courts of justices of the peace, the following fees, and shall receive no other fees or compensation whatsoever, under the penalties now provided by law for the taking of more or other fees than are allowed by law :

For all services in any suits, before judgment, one dollar; for all services in any suit, after judgment, and upon execution, or other final process, two dollars; for making the money on execution, or other final process, three per cent. of the amount made or collected.

SOULE.
SULLIVAN,
T. G. PHELPS.

Mr. Grant, of the San Francisco delegation, made the following additional report :

MR. PRESIDENT:—The undersigned, a minority of the committee consisting of the delegation from San Mateo and San Francisco, to whom was referred Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco, regrets to feel constrained to differ with his colleagues, on said committee, in recommending amendments to said bill. The undersigned conceives that the bill, as it came from the Assembly, provides sufficient fees to conduct the offices, affected by the bill, in a proper manner, and, at the same time, leave not only a fair, but high compensation to the incumbents thereof. He therefore hopes that the Senate will pass the bill in the same form in which it came from the Assembly. In making this report, the undersigned has to express his fear, that unless the bill under consideration passes in its present form, the lateness of the day, before adjournment, will preclude any definite action on the subject of fees in office in the city and county of San Francisco, and thus leave her citizens subject to the enormous imposts, upon those bringing suits in the courts of that city and county, under which they have suffered for so many years.

GILBERT A. GRANT.

Mr. Bell moved to make the bill and reports the special order of the day for to-morrow, Friday, April 16, at two o'clock, p. m.

Carried.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 14, 1858.

To the Senate of California :

I have, this day, approved an act for the relief of Paul Shirley, late sheriff of Solano county ;

Also, an act the better to enable the collection of judgments in favor of the state ;

Also, an act to adjust the amount of indebtedness of the county of Alameda and the county of Contra Costa, and to provide for the payment thereof.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 15, 1858.

To the Senate of California :

I have, this day, approved an act to amend an act entitled an act to

regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851.

If this bill had been presented to me at an earlier day in the session, I should have been disposed to return it without my approval, in the hope that provision might be made for a *pro rata* distribution of the bankrupt's assets.

In a communication which I addressed to your honorable body on the 11th of February last, I recommended this amendment to the attachment law, and so well satisfied am I, that nothing short of this will remedy the evils which grew up under the old law, that, if you were not about to close your session, I should be compelled to abstain from giving my approval to this bill. It is, however, an improvement upon the present law, and, therefore, I am content, under the circumstances, to let it go upon the statute book.

I do not think there is much force in the objection, that a *pro rata* distribution would produce delay in closing the business of a bankrupt.

Such material changes have taken place within the last few years, in the mode of transacting business, that very few of our bankrupts have creditors in the East. When this is the case, an agent is generally found at San Francisco, to represent them. Entertaining this opinion, I will certainly feel it my duty to urge upon your successors such an amendment to this act, as will secure a just and equitable distribution of the assets of the bankrupt amongst his creditors.

JOHN B. WELLER.

The following message was received from the Assembly :

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, the 14th instant, passed Assembly bill No. 467, an act concerning roads and highways in certain counties therein named ;

Also, Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases ;

Also, Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison, April 15, 1858.

J. W. SCOBEEY, Clerk.

Assembly bill No. 467 was read first and second times, and referred to the delegations from the counties named.

INTRODUCTION OF BILLS.

Mr. Ferguson of Sacramento introduced a bill for an act to protect the property of citizens of this state against loss or injury from railroad cars.

Read first and second times, and referred to the Committee on Corporations.

Mr. Ferguson of Sacramento presented the claim of Thos. Cavanaugh, for hauling furniture of state during the fire in 1854.

Referred to the Committee on Claims.

Mr. Taliaferro introduced a bill for an act supplementary to and amendatory of an act of April 13, 1858, to incorporate the town of Petaluma.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt introduced a bill for an act to aid in establishing a cheap,

safe, and speedy communication between California and the Atlantic states.

Read first and second times, and referred to the Judiciary Committee.

Mr. Bell introduced a bill for an act for the protection of salmon in the waters of this state.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Hart introduced a bill for an act amendatory of and supplementary to an act entitled an act to incorporate the town of Oroville, approved March 14, 1857.

Read first and second times, and, on motion of Mr. Hart, the rules were further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Merritt, the Judiciary Committee were instructed to report Senate bill No. 329, on Saturday, April seventeenth.

Mr. Bell moved to take from the table the motion to reconsider the vote by which the Senate refused to pass Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them.

Carried.

The question being on reconsidering the vote, was put, and carried.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Melony, Bell, and Lewis.

Mr. Melony moved to recommit the bill, with the following instructions :

Amend so that "no fire-arms shall be distributed to youths under the age of eighteen years;" also, that the chaplain of such institution, be "quartermaster general thereof."

Mr. Merritt offered the following amendment to the instructions, which was lost :

Amend title so as to read as follows : "An act for the amusement of the light infantry."

Mr. Bell moved the previous question.

Sustained.

The question being "Shall the main question be now put?" was put, and carried.

The main question being on recommitting, with instructions, was put, and lost.

The question recurring on the passage of the bill, the ayes and noes having been demanded, the roll was called, with the following result : Ayes, 17—noes, 11 :

AYES—Messrs. Anderson, Berry, Burton, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Holden, Johnson of El Dorado, Soule, Sullivan, Taliaferro, and Thom—17.

NOES—Messrs. Baker, Carpenter, Dickinson, Gregory, Hamm, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, and Rogers—11.

So the bill was passed.

Mr. Griffith gave notice of a reconsideration of the vote just taken.

GENERAL FILE.

Senate bill No. 171, an act providing compensation for physicians and surgeons, in certain cases, was read a third time, and passed.

Senate bill No. 259, an act to legalize the acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco, was read a third time, and passed.

Assembly bill No. 384, an act concerning trustees other than executors, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of the committee adopted.

On motion of Mr. Gregory, the bill was laid on the table.

Assembly bill No. 344, an act for the relief of W. G. Poindexter, was read a third time, and passed.

Assembly bill No. 187, an act for the relief of Daniel J. Thomas, was read third time, and passed.

Senate bill No. 281, an act providing for the construction of a wagon road, was laid on the table.

Senate bill No. 296, an act indemnifying the Catholic congregation of Drytown for the loss of a church, destroyed by a mob, August 21st, 1855, was laid on the table.

Senate bill No. 291, an act to legalize and confirm orders of the board of supervisors of Monterey county, and of Merced county, granting a charter to Andrew D. Firebaugh to construct a turnpike road, through Pacheco's Pass, in said counties, and to collect tolls thereon, was recommended to the Committee on Corporations.

Assembly bill No. 293, an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851—

After discussion, Mr. Anderson moved the previous question.

Sustained.

The question, being "Shall the main question be now put?" was put, and carried.

The main question being on the recommendation of the committee to indefinitely postpone the bill, was then put, and carried.

And the bill was indefinitely postponed.

Mr. Goodwin asked leave of absence, for one day, for Mr. Chase.

Granted.

Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850, was indefinitely postponed.

Assembly bill No. 263, an act authorizing the guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate at private sale—

Mr. Gregory moved to strike out "probate judge" wherever it occurs, and insert "district judge."

Carried.

The bill was then read a third time, and passed.

Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate school-land war-

rants in lieu of certain warrants destroyed, was read third time and passed.

Senate bill No. 295, an act to empower the board of supervisors and auditor of the city and county of San Francisco to allow, audit, and satisfy certain claims therein mentioned; substitute adopted, and bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Merritt, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Goodwin, the vote by which the Senate indefinitely postponed Assembly bill No. 295, was reconsidered, and the bill read a third time, and passed.

Assembly bill No. 312, an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, was read a third time, and passed.

Senate bill No. 303, an act to audit certain claims—

On motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 302, an act for the relief of John C. Gordon—

On motion of Mr. Burton, the rules were suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 289, an act concerning the seventh judicial district, and the judge thereof, was considered in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino, was read a third time, and passed.

Assembly bill No. 303, an act to suppress injurious publications, was read a third time, and passed.

Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same, was read third time, and passed.

Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15th, 1857—

Mr. Phelps moved to recommit the bill to the Committee on Counties and County Boundaries, with amendments reported by committee, which was lost, and bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee adopted.

Mr. Phelps moved to make the bill the special order of the day, for Saturday, April 17th, 1858, at two o'clock, P. M.

Lost.

The bill was then read a third time, and passed.

Mr. Phelps, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 244, an act for the relief of David Scannell, late sheriff of San Francisco.

Mr. Ferguson of Sacramento, moved the previous question.

Sustained.

The question, being "Shall the main question be now put?" was put, and carried.

The main question, being on reconsidering the vote, the ayes and noes were demanded by Messrs. Grant, Soule, and Phelps, and taken, with the following result: Ayes, 13—noes, 12:

AYES—Messrs. Anderson, Baker, Burton, Bell, Carpenter, Dickinson, Grant, Gregory, Ketchum, Phelps, Rogers, Soule, and Sullivan—13.

NOES—Messrs. Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Hart, Johnson of Sacramento, Lewis, Merritt, Melony, and Taliaferro—12.

DECLINED—Mr. Johnson of El Dorado, declined voting.

So the vote was reconsidered.

The question recurring on the passage of the bill the ayes and noes were demanded by Messrs. Grant, Soule, and Phelps, and taken, with the following result: Ayes, 13—noes, 11:

AYES—Messrs. Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Hart, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, and Taliaferro—13.

NOES—Messrs. Anderson, Baker, Carpenter, Dickinson, Garter, Grant, Gregory, Phelps, Rogers, Soule, and Sullivan—11.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, concurred in Senate amendments to Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856;

They have also concurred in Senate amendments to Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, with an amendment, and ask the concurrence of the Senate thereto:

Also, in Senate amendments to Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands in this state.

J. W. SCOBAY, Clerk.

Assembly bill No. 37, Assembly amendment to amendment of Senate was concurred in.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, concurred in Senate amendments to Assembly bill No. 347, an act to audit certain claims;

Also, passed Assembly bill No. 460, an act to authorize the issuance of a duplicate for a lost Comptroller's warrant;

Also, passed Assembly bill No. 459, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Also, Senate bill No. 321, an act to amend an act to change the time of holding the courts of sessions and county court, in the county of Napa, approved February 14, 1855;

Also, amended and passed Senate bill No. 313, an act to authorize the guardians of Espedion Noe, José Jesus Noe, and Vicent Noe, to sell and dispose of their real estate and chattels real;

And ask the concurrence of the Senate.

J. N. BINGAY, Assistant Clerk.

Assembly bill No. 460 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 459 was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 313, amendments of Assembly concurred in.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, adopted and passed Assembly bill, substitute for Senate bill No. 298, an act to audit and allow the claim of James D. Potter.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 468, substitute for Senate bill No. 298, was read first and second times.

On motion of Mr. Burton, the rules were suspended, bill read a third time, and passed.

SPECIAL ORDER.

Mr. Merritt in the chair.

Senate bill No. 197, an act recommending to the electors to vote for or against calling a convention to revise and change the constitution of the state, was read a third time.

Mr. Melony moved to recommit the bill, with the following instructions:

Refer, with instructions to strike out, in eleventh line, "those who have voted for a calling," and insert in lieu thereof the words "those voting for or against a convention."

Lost.

The question being on the passage of the bill, the roll was called, with the following result: Ayes, 10—noes, 18:

AYES—Messrs. Ferguson of Sacramento, Garter, Goodwin, Griffith, Holden, Johnson of Sacramento, Johnson of El Dorado, Melony, Rogers, and Taliaferro—10.

NOES—Messrs. Anderson, Baker, Berry, Burton, Bell, Carpenter, Coulter, Dickinson, Grant, Gregory, Hart, Ketchum, Lewis, Merritt, Phelps, Soule, Sullivan, and Thom—18.

So the Senate refused to pass the bill.

FURTHER SPECIAL ORDER.

Senate bill No. 44, an act to provide for the construction of a bulk-head

or sea-wall, in front of the city and county of San Francisco, was taken up.

On motion of Mr. Soule, it was made the special order of the day for Saturday, April 17, at two o'clock, P. M.

FURTHER SPECIAL ORDER.

Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer, was, on motion of Mr. Phelps, laid on the table.

GENERAL FILE RESUMED.

Assembly bill No. 368, an act to fix the compensation of the district attorney of the county of Sierra, was read a third time, and passed.

Assembly bill No. 284, an act concerning the county records of the county of Sutter, was read a third time, and passed.

Senate bill No. 278, an act for the relief of Michael Fennel, was, on motion of Mr. Carpenter, referred to the Committee on Claims.

Senate bill No. 312, an act for the prevention of the taking of trout-fish during certain months of the year; substitute adopted, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

Mr. Griffith moved to strike out all after the enacting clause.

Lost.

Mr. Bell offered the following proviso, as a new section :

Provided, That the provisions of this act shall apply to Alameda and Santa Clara, and to none others.

Adopted.

And, on motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 13, an act to amend an act entitled an act to organize and establish the county of San Mateo, approved April 18, 1857, was, on motion of Mr. Phelps, made the special order of the day for Monday, April 19, at two o'clock, P. M.

Mr. Hart, by leave, introduced a bill for an act amendatory of an act entitled an act to declare Feather River navigable, passed March 14, 1857, which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Melony obtained leave to withdraw substitute to Senate bill No. 177.

Mr. Berry, by leave, introduced a bill for an act amendatory of the act entitled an act to incorporate Crescent City, passed April 13, 1854, and to repeal section two of the act, approved April 21, 1857, amendatory of said act of April 13, 1854, which was read first and second times, and on motion of Mr. Berry, the rules were further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Baker, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.

IN SENATE.

FRIDAY, April 16, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

On motion of Mr. Hart, Mr. Chase was granted leave of absence, for one day.

On motion of Mr. Grant, the rules were suspended, and the following message from the Assembly considered :

MR. PRESIDENT :—The Assembly have, this day, adopted a resolution relative to the correction of Senate amendment to Assembly bill No. 37, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

APRIL 16, 1858.

Resolved, The Senate concurring, that the enrolling clerk of the Assembly be, and is hereby, instructed to amend the amendment to section third of Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims of the city and county of San Francisco, as they existed prior to the first day of July, A. D. 1856, by striking out the word "special," in the twenty-fifth line of said amendment to section three, and insert in lieu thereof the word "general."

The Assembly concurrent resolution was concurred in.

The following report was received from the Committee on Public Expenditures :

MR. PRESIDENT :—The Committee on Public Expenditures, to whom were referred the claims of Wells, Fargo & Co., being express charges for carrying papers and documents for the Senate, from the 19th day of January, 1858, to the 17th February, inclusive, amounting in the aggregate to the sum of \$143 60, have had the same under advisement, and, after proof heard and consideration had, find the facts to be :

First, That, at an early day in the session, the sum of \$25 was appropriated by the Senate to each member for postal purposes ;

Second, That between the 9th day of January, 1858, and the 17th February, no stamps could be procured by the sergeant-at-arms, for the use of the Senate ;

Third, That the sergeant-at-arms was impelled, by his sense of duty, to forward papers and accounts to and from the Senate, during this period ;

Fourth, That Wells, Fargo and Co. were employed to perform, and did perform, the services for which this charge is made. From all of which your committee conclude that it is proper to report these claims back to the Senate for its action, simply suggesting that, although there is no law making this a debt against the state, yet, as the responsibility has been incurred by the sergeant-at-arms, while acting in the discharge of his duties, it comes to you clothed with equities.

C. E. THOM, Chairman Committee.

Report accepted, and, with bill, placed on file.

Mr. Gregory, by leave, introduced a bill for an act to authorize the sale

of the real estate of the late W. E. P. Hartnell, deceased, which was read first and second times, and placed on file.

Mr. Ferguson, chairman of Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 342, entitled an act to grant H. M. Stow the right of way across the Sacramento River, have had the same under consideration, and recommend its indefinite postponement.

W. I. FERGUSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton, chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of J. N. Irwin, for services as clerk to Senate Committee on Claims, in 1857, and the claim of N. A. H. Ball, for searches, examinations, and reports, upon the accounts of Henry Bates, late State Treasurer, have directed me to report same back, and recommend that they be rejected.

The claim of G. D. Bliss & Co., for beef furnished the state prison, in the months of June, July, August, September, and October, 1855, have directed me to report the same back, with the accompanying bill, and recommend its passage.

E. F. BURTON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Gregory, of a special committee, made the following report :

MR. PRESIDENT:—A majority of the special committee, to whom was referred Senate bill No. 149, an act for the relief of Francis R. Crussell, with instructions, have had the same under consideration, and beg leave to report as follows :

We find that it is neither consistent with precedent in the other states, or necessary in California, to establish a system of pension laws. We have, therefore declined reporting any general law upon that subject.

With regard to the bill immediately under consideration, whilst we sympathize with the unfortunate man, he has, nevertheless, met with a misfortune such as any citizen is liable to on any day of the year, and although, in terms, the service he was rendering was for the state, it was done immediately in sustaining the county authorities, which authorities, if any, are called upon to render Mr. Crussell relief.

We think the state should be just to her creditors, before attempting to be generous beyond the charities already established by fixed statutes or rules of law.

D. S. GREGORY.

JAMES ANDERSON.

Report accepted, and filed with bill, now on calendar.

Mr. Gregory made the following report :

MR. PRESIDENT:—The undersigned, to whom was referred substitute for Assembly concurrent resolution No. 24, for the removal of Indians,

having had the same under consideration, report the same back, without amendment, and recommend its passage.

D. S. GREGORY, Special Committee.

Report accepted, and placed on file.

On motion of Mr. Lewis, Senate bill No. 306, an act amendatory of and supplementary to an act approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22, 1850, was taken from the table, and considered.

On motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 16, 1858. }

To the Senate of California:

I have, this day, approved an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854;

Also, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1852.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly, on yesterday, the 15th instant, passed the following bills:

Senate bill No. 228, an act to audit the claim of Samuel Warren;

Senate bill No. 252, an act to audit the claim of John Dall;

Senate bill No. 254, an act to audit the claim of H. & W. P. Gibbons;

Senate bill No. 207, an act to audit certain claims;

Senate bill No. 253, an act to audit certain claims;

Senate bill No. 284, an act to fix the salary of the district attorney of the county of Tehama;

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison, with amendments.

Assembly bill No. 427, an act concerning roads and highways, in and for the counties of Tuolumne and Alameda;

Assembly bill No. 411, an act to audit certain claims;

Assembly bill No. 437, an act for the relief of C. Binney;

Assembly bill No. 318, an act amendatory of and supplementary to an act concerning estray animals, passed April 19, 1856;

Assembly bill No. 409, an act to audit certain claims;

Assembly bill No. 223, an act for the relief of Luther Laird & Co.;

And Assembly bill No. 469, an act to incorporate the town of Coloma.

J. W. SCOBEE, Clerk.

Senate bill No. 286, first and second amendments of Assembly concurred in.

Assembly amendment to section ten was concurred in.

Assembly amendments, adding sections fourteen and fifteen, were concurred in.

The question being on concurring in new section by Assembly, num-

bered sixteen, the ayes and noes were demanded by Messrs. Bell, Ferguson of Sacramento, and Merritt, and taken, with the following result: Ayes, 14—noes, 12.

Ayes. Messrs. Barton, Bell, Carpenter, Clifton, Ferguson of Sacramento, Ferguson of Santa, Grant, Haman, Hoffman, Lyles, Phelps, Soule, and Sullivan—14.

Noes. Messrs. Anderson, Allen, Baker, Goodwin, Hays, Johnson of Sacramento, Johnson of El Dorado, Merrill, Murray, Stevens, Constantine, and Thom—12.

Assembly bill No. 427 was read first and second times, and referred to the delegations from Tuolumne and Mono—11.

Assembly bill No. 411 was read first and second times, and placed on the list of the calendar.

Assembly bill No. 457 was read first and second times, and placed on file.

Assembly bill No. 318 was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 400 was read first and second times, and placed on file.

Assembly bill No. 223 was read first and second times, and placed on file.

Assembly bill No. 409 was read first and second times, and referred to the delegation from El Dorado county.

The following passage was removed from the Assembly:

Mr. PARSONS.—I am directed to inform the Senate that the Assembly, have, this day, passed Senate bill No. 245, an act to amend an act entitled an act to regulate the fire department of the city of Sacramento, approved April 27, A. D. 1853, and to fix the salaries of certain officers of the fire department of the city and county of said city.

Also, have passed Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of said city, passed March 25, 1857.

And have, also, passed Senate bill No. 247, an act to allow Henry Carson to sell certain real estate.

J. NORMAN WINGAL, Assistant Clerk.

Mr. Hart, by leave, introduced a bill for an act to authorize the board of supervisors in and for Butte county, to issue the bonds of said county, for an amount not to exceed two hundred and thirty thousand dollars, to be expended in purchasing a railroad and wagon road to said county, and to give to the board of said county.

Read first and second times, and, on motion of Mr. Hart, the same were sustained, and the same were passed, and a third time, and passed.

Mr. Murray gave notice that he would introduce, at an early day, a bill for an act to provide for the incorporation of towns and cities.

On motion of Mr. Thom, Senate bill No. 409, an act to authorize the Secretary of State to purchase a new seal, and to appropriate money for the same, was taken from the file, and considered in the Committee of the Whole.

Mr. Merritt moved the previous question.

Sustained.

The question, being "Shall the main question be now put?" was put, and carried.

The main question, being the adoption of the amendment reported by committee, was put, and carried.

The bill was then ordered engrossed, and to be read a third time.

Mr. Melony offered the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that the trustees of the state insane asylum be instructed to give six months' leave of absence to the present assistant physician of that institution, with instruction to visit the principal hospitals for the insane in the Atlantic States, and collect all the information in regard to improvements of such institutions, and report the same to the said board of trustees, in order that they may be able to adopt as much of the same as may be necessary to the prosperity of said asylum; *Provided*, that the expense incurred by such visit to the Atlantic States shall not exceed the sum of fifteen hundred dollars, to be paid out of the appropriation to said asylum.

On motion of Mr. Burton, it was laid on the table.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 313, an act to authorize the guardian of Espedion Noe, José Jesus Noe, and Vicent Noe, to sell and dispose of their real estate and chattels real, and find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following additional report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have, this sixteenth day of April, one thousand eight hundred and fifty-eight, at twelve o'clock, M., presented to the Governor, for his approval, Senate bill No. 313, an act to authorize the guardian of Espedion Noe, José Jesus Noe, and Vicent Noe, to sell and dispose of their real estate and chattels real.

E. GARTER, Chairman.

Report accepted.

GENERAL FILE.

Assembly bill No. 299, an act for the relief of the county of Santa Barbara, was laid on the table.

Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officials in and for the counties of Klamath, Del Norte, and Humboldt, was read a third time, and passed.

Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan, for the purpose of erecting a courthouse, and completing the same, was read a third time, and passed.

Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30, 1857, was indefinitely postponed.

Assembly bill No. 137, an act to extend the terms of office of the board of supervisors of certain counties of this state, was read a third time, and, on motion of Mr. Goodwin, was laid on the table.

Assembly bill No. 131, an act to abolish public executions—

The question being on the indefinite postponement of the bill, was put, and lost.

The bill was then read a third time, and passed.

Senate bill No. 225, an act for the relief of partners and joint-debtors, was read a third time, and, on motion, laid on the table.

Senate bill No. 235, an act organizing the university of the state of California, under the name of The Regents of the University of the State of California, was read a third time, and passed.

Senate bill No. 245, an act to audit and allow the claim of the late Hamilton Bowie, was, on motion of Mr. Burton, laid on the table.

Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark, was, on motion, laid on the table.

Assembly bill No. 333, an act to authorize the construction of a bridge across the Pajaro river, was laid on the table.

Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds and cancel certain claims, substitute adopted, and bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion, of Mr. Grant, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 332, an act to provide for the sale of certain property of the state of California within the water-line front of the city and county of San Francisco, reported by the San Francisco delegation, was read first and second times, and, on motion of Mr. Grant, the rules were suspended, bill considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, bill considered engrossed, read a third time, and passed.

Assembly bill No. 436, an act to audit the claim of G. Elliott, and Cook & Coffan, was recommitted to the Committee on Claims.

The petition of John Center was referred to the Committee on State Prison and Public Buildings.

Assembly bill No. 489, an act to amend an act entitled an act to regulate fees in offices in the county of Yuba, approved April 28, 1857, was read a third time, and passed.

Assembly bill No. 418, an act to amend an act entitled an act to create the county of Alameda, to establish the seat of justice therein, to define its boundaries, and to provide for its organization, was read a third time, and passed.

On motion, Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark, was taken from the table, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments adopted, and, on motion of Mr. Burton, bill considered engrossed, read a third time, and passed.

Assembly bill No. 271, an act supplementary to an act to provide for

the funding of the indebtedness of the county of Yuba, approved March 26, 1857, was read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco, was taken up, and considered as in Committee of the Whole.

Mr. Griffith in the chair.

Reported back, without amendment, read a third time, and passed.

The president resumed the chair.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, with amendments, and ask the concurrence of the Senate ;

Also, have amended and concurred in Senate concurrent resolution No. 41, directing the Secretary of State and the clerk of Monterey county to deliver, to the United States Surveyor General for California, all Spanish or Mexican archives which they may have in their possession, and ask the concurrence of the Senate.

J. W. SCOBEE, Clerk.

APRIL 16, 1858.

Senate bill No. 61 was, on motion of Mr. Taliaferro, made the special order of the day for Monday, April 19, at two o'clock, P. M.

Senate concurrent resolution No. 41, on motion of Mr. Thom, was laid on the table.

GENERAL FILE RESUMED.

Senate bill No. 318, an act extending the privileges of the homestead law to certain persons—

Mr. Merritt moved to indefinitely postpone the bill, upon which, the ayes and noes were demanded by Messrs. Merritt, Berry, and Bell, and taken, with the following result : Ayes, 10—noes, 17 :

AYES—Messrs. Berry, Burton, Ferguson of Sierra, Garter, Hamm, Holden, Johnson of Sacramento, Merritt, and Soule—10.

NOES—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Coulter, Dickinson, Goodwin, Gregory, Hart, Johnson of El Dorado, Lewis, Melony, Rogers, Sullivan, Taliaferro, and Thom—17.

So the Senate refused to indefinitely postpone the bill.

Mr. Bell moved to suspend the rules, consider the bill engrossed, to be read a third time.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Berry, and Bell, and taken, with the following result :

AYES—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Coulter, Dickinson, Goodwin, Hart, Johnson of El Dorado, Lewis, Melony, Rogers, Sullivan, Taliaferro, and Thom—16.

NOES—Messrs. Berry, Burton, Ferguson of Sierra, Garter, Hamm, Holden, Merritt, Phelps, and Soule—9.

So the bill was ordered engrossed, to be read a third time.

Mr. Sander gave notice of a memorializing petition to be filed with the Senate of the U.S. against the treaty that he will

1. The Ministry of Education and Science of the Russian Federation is the main authority in the field of education and science in the Russian Federation.

The Department.—Your appeal, submitted to what was termed a board by Act No. 447, seemed an act deserving early and high consideration, but, unfortunately, it was not. Even had the case been considered, and respectfully urged, the result to the Nation, and transmitted the message to the President.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

On account of Mr. Wilson, the price paid was probably \$27,000,000 and a good many more.

1. The first group of authors (e.g., [1, 2]) has shown that the use of a single, common, non-physical, reference frame for all the particles in a system is not only unphysical but also leads to nonlocality. This is because the reference frame is not defined by any physical process and therefore it is not possible to determine its position and orientation. This leads to a nonlocality that is not physical and therefore it is not possible to determine its position and orientation. This leads to a nonlocality that is not physical and therefore it is not possible to determine its position and orientation.

Mr. PHILLIPS.—The subject of this St. Francis College, have had your commission, January 4th. No. 10, at and to investigate the state of the college, and report to him, without prejudice and without delay.

the morning of 20 September the rains were suspended, and finally on 21 the sun came out a short time, and passed.

Dr. Sherry, Chairman of the Committee on Ethics, wrote the following report:

The President, Judge Gurnea, in response to which was returned
laurels, told the men to put the chains of the Editor, and then
I asked him to demand that he report the same back, with the following
amendment: So the one after the meeting closed, and I left.

[illegible]

THE UNIVERSITY OF CHICAGO

The authors of this Review also were supported by the Social Sciences and Humanities Research Council of Canada, and enjoyed the help and assistance of the following:

Mr. Thompson is a member of the Board of Directors, and is one of the largest stockholders in the company. He is also a member of the Board of Directors of the New York and New Jersey Electric Light and Power Company, and is a member of the Board of Directors of the New York and New Jersey Gas and Electric Company.

and county recorder, of the city and county of San Francisco, have examined the same, and respectfully recommend its passage, without amendment.

SULLIVAN,
SOULE,
PHELPS.

Report accepted, and, with bill, placed on file.

Mr. Burton offered the following resolution, which was adopted :

Resolved, That the secretary of the Senate be directed to transmit to the Governor, all the papers and vouchers connected with the claims of James Smiley and G. W. Ryckman, for supplies furnished state prison, in 1855.

Mr. Bell, by leave, introduced a bill for an act for the relief of John C. Hays, ex-sheriff of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

Mr. Bell gave notice that he would, on to-morrow, introduce a bill to fund the debt of the city of Oakland.

Mr. Thom offered the following resolution, which was adopted :

Resolved, By the Senate, that the sum of one hundred and forty-three dollars and sixty cents be, and the same is hereby, appropriated out of the Senate contingent fund, for the payment of the claims of Wells, Fargo & Co., for expressing papers and documents to and from the Senate, from the 9th day of January, A. D. 1858, to the 17th February, inclusive.

On motion of Mr. Thom, Senate concurrent resolution No. 41, directing the Secretary of State and clerk of Monterey county, to deliver to the U. S. Surveyor General for California, all Spanish or Mexican archives which they may have in their possession, was taken from the table, and the amendments of the Assembly concurred in.

On motion of Mr. Johnson, of Sacramento, Senate bill No. 217, an act for the relief of Baker & Swinerton, was taken from the table, and placed at the foot of calendar.

On motion of Mr. Burton, Senate bill No. 121, an act to audit the claim of Wm. Wright, was taken from the table, and placed on calendar.

Mr. Griffith, by leave, made the following report, the reading of which was dispensed with, and bill and report, on motion of Mr. Griffith, were made the special order of the day for Monday, April 19, at 2 o'clock P. M.:

MR. PRESIDENT:—The select committee, to whom was referred Senate bill No. 282, entitled an act authorizing the Attorney General to compromise certain judgments, have considered the same, and respectfully report the following facts :

Your committee, influenced by what they conceive to be a just and conscientious consideration of the duties reciprocally due from the citizen to the government, and from the government to the citizen, have instituted a careful inquiry into the character of the claims of the state against the sureties of Henry Bates, late Treasurer, and into their resources and means to satisfy such claim.

From such inquiry, we learn that, on the —— day of September, last past, the state recovered judgment, in the district court of the sixth judicial district, against the said Bates, and his sureties, for the sum of one

hundred thousand dollars, and that the case is now in a condition to be appealed to the Supreme Court, at any time within one year from the rendition of such judgment. Without submitting any argument, or hazarding any opinion of our own, as to the merits which such an appeal would present, we content ourselves with the statement, that prominent lawyers express grave doubts as to the correctness and defensibility of the judgment of the district court; and others, of like character, express the positive assurance that, upon such appeal, it must be reversed: such reversal would necessarily return the case to the district court, for further expensive and vexatious litigation.

It appears that the actual cash deficit in the treasury, for which this judgment was recovered, is between forty and fifty thousand dollars, while the balance is for moneys paid out, or pretended to have been paid out, by the Treasurer, for the purpose of being forwarded to New York, to meet the interest there accruing against the state.

To secure the legitimate application of the moneys thus paid out, bonds, with sureties, were taken by the Treasurer. These bonds, although deposited in the office of the Executive, before commencement of suit upon such bonds, and there retained, were never by him expressly approved. Upon these bonds actions have been brought, in behalf of the state, and, upon two of these, judgments have been recovered against Joseph C. Palmer, and others, to the amount of about seventy-four thousand dollars, and other actions, for the recovery of about one hundred and twenty-four thousand dollars, are now pending and undetermined.

We are impressed with the proposition that, if the state is entitled to recover upon the bonds thus taken by the Treasurer, it must be upon the ground that he had discharged his duty, so far, at least, as in equity, and good conscience, to relieve his sureties from liability; and, if taken in fraud of the law, it might seem worthy of grave considerations, whether the state should seek to avail herself of such fraud.

Again, it is a question worthy of consideration, whether the state, after having elected to ratify and adopt the bonds thus taken by the Treasurer, should be allowed to pursue the sureties on his official bond, as if the former bonds had never existed.

The bonds thus taken, to secure the proper application of the moneys, were either valid or invalid, or operative or inoperative. If valid and operative, then the state should seek her remedy upon them and upon them alone; if invalid and inoperative, then the state, for her own benefit, can have no just claim to enforce them, and, in other words, these bonds belong to the state or they do not, and, if the latter, what claim thereto can she justly or fairly assert? To allow the state to recover the amount of these defalcations, both from the Treasurer and his sureties, and from those of whom he had taken bonds for the proper application of the moneys in question, would seem to be the assertion of an entirely novel prerogative.

There is, we think, force in the suggestion, that although these bonds were not taken in strict conformity with the requirements of the law, yet there was no such irregularity or want of legal sanction as render them wholly void; nothing which precludes their adoption and ratification by the state, through the action of her recognized constitutional functionaries; and as the suits before mentioned amount to such adoption and ratification, it would seem but just that the state should rely upon the bonds thus adopted and ratified; or if she does not so adopt and ratify them she should surrender them to the treasurer and his sureties for their indemnity. These suggestions are, however, merely made preliminary for the more

mature consideration of the Senate. There are other facts brought to our attention from reliable information, which, in our view, ought to have much influence in the disposition of the bill under consideration. We are satisfied, from our enquiries, that should the state finally recover judgment against these sureties, and prosecute the same to execution in the most energetic and remorseless manner, the result would be the realization of a sum not exceeding from five to ten thousand dollars, at the utmost, and in the entire pecuniary ruin of the sureties. Although at the time of the execution of the treasurer's bond, his sureties may have been considered worth the amount of the penalty of the bond, yet such has been the change in their fortunes that, as we have been credibly informed, nothing could be made, by execution, from more than two of them, perhaps not more than one.

The long impending of these defalcations, and the public knowledge thereof, have operated disastrously to the fortunes of these sureties. As it has impaired their credit and withdrawn their former business facilities, we are of the opinion that, persisting in coercive measures against these sureties, can only terminate in their impoverishment, with a very trifling and inadequate benefit to the state.

Your committee would not knowingly recommend any legislative action which in their opinion would hereafter prove a precedent fraught with danger to the permanent interests of the government, but we are of the opinion that a case generally similar to this can hardly if ever recur. There is no semblance of a pretence that any one of these sureties has ever profited one cent, either directly or indirectly, by reason of these defalcations; but, on the contrary, the very existence thereof has worked their pecuniary ruin, as before stated.

If the state functionaries to whom the laws of the land had confided the supervision and protection of the treasury, had faithfully and promptly performed their duty, it is not reasonable to believe, that any of these defalcations would ever have occurred, and had those to whom the moneys were advanced for the purpose of the state, under the forms, or at least the presence of the forms of law, fulfilled their contracts, the defalcations must have been very small, if any.

The question then presents itself, shall the state prosecute a doubtful and vigorous contest with these sureties, who are wholly free from the remotest complicity in these abstractions from the treasury, while the negligent and the faithless are all permitted to go wholly unpunished; or shall she express and carry out a spirit of just generosity and prudent compromise? The sureties who are able to pay anything express a willingness—in fact, an earnest desire, to pay to the state the uttermost farthing their ability will permit; and we are satisfied that she will realize more from such compromise than from any other course.

Upon the consideration, then, of the whole case, in view alike of the public interests and liberal dealing with these sureties, we recommend the passage of the bill as herewith reported, the same being a substitute for the original bill, and authorizes the Governor, Comptroller, and Treasurer, to compromise the judgment on such terms as they may deem just.

HUMPHREY GRIFFITH,
JAMES ANDERSON.

On motion of Mr. Gregory Senate joint resolution, No. 14, in relation to a modification of the pre-emption laws of California, was taken from the table, and made the special order of the day for Monday, April 19, at two o'clock, P. M.

On motion of Mr. Phelps, the motion to reconsider the vote by which the Senate indefinitely postponed Assembly bill No. 332, an act to audit the claim of Adam Schlappert, was taken from the table.

The question, being on reconsidering the vote, was put, and lost.

On motion of Mr. Gregory, Assembly bill No. 333, an act to authorize the construction of a bridge across the Pajaro River, was taken from the table and considered, and, on motion of Mr. Gregory, the bill was laid on the table.

Mr. Baker moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Soule, and Lewis, and taken, with the following result: Ayes, 12—noes, 14:

AYES—Messrs. Anderson, Allen, Baker, Bell, Ferguson of Sierra, Goodwin, Gregory, Hamm, Holden, Johnson of El Dorado, Lewis, and Melony—12.

NOES—Messrs. Berry, Burton, Carpenter, Coulter, Dickinson, Garter, Grant, Griffith, Johnson of Sacramento, Merritt, Phelps, Soule, Sullivan, and Taliaferro—14.

So the Senate refused to adjourn.

Mr. Griffith moved to reconsider the vote by which the Senate passed Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them.

Mr. Bell moved to lay the motion to reconsider on the table.

Upon which, the ayes and noes were demanded by Messrs. Bell, Berry, and Johnson of El Dorado, and taken, with the following result: Ayes, 14—noes, 12:

AYES—Messrs. Allen, Baker, Carpenter, Coulter, Dickinson, Gregory, Griffith, Hamm, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, and Taliaferro—14.

NOES—Messrs. Anderson, Berry, Burton, Bell, Ferguson of Sierra, Garter, Goodwin, Grant, Johnson of El Dorado, Phelps, Soule, and Sullivan—12.

So the motion was laid on the table.

Senate bill No. 299, an act prohibiting the owner or owners of goats from allowing them to run at large, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill ordered engrossed, to be read a third time.

Senate bill No. 186, an act for the relief of Sacramento county—

Mr. Goodwin moved to make the bill the special order of the day for Tuesday, April 20, at 2 o'clock, p. m.

Mr. Merritt moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. Taliaferro, Merritt, and Johnson of El Dorado, and taken, with the following result: Ayes, 17—noes, 6:

AYES—Messrs. Berry, Burton, Carpenter, Coulter, Dickinson, Garter,

Goodwin, Gregory, Hamm, Hart, Johnson of El Dorado, Merritt, Melony, Phelps, Soule, Sullivan, and Thom—17.

NOES—Messrs. Baker, Bell, Ferguson of Sacramento, Johnson of Sacramento, Lewis, and Taliaferro—6.

So the bill was indefinitely postponed.

Mr. Ferguson of Sacramento moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Lewis, Gregory, and Goodwin, and taken, with the following result : Ayes, 14—noes, 10 :

AYES—Messrs. Baker, Berry, Bell, Carpenter, Dickinson, Ferguson of Sacramento, Garter, Grant, Hart, Merritt, Melony, Sullivan, and Thom—14.

NOES—Messrs. Burton, Coulter, Goodwin, Gregory, Johnson of El Dorado, Lewis, Phelps, Soule, and Taliaferro—10.

So the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest : THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, April 17, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Baker presented the claim of Charles H. Mitchell, for Placer Herald, furnished Senators, which was referred to the Committee on Contingent Expenses.

REPORTS.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly joint resolution No. 9, instructing our senators, and requesting our representatives, to have American consuls established at the ports of Guaymas, Mazatlan, Manzanillo, and La Paz, have had the same under consideration, and beg leave to report that your committee was much tempted to recommend the striking out of the long preamble attached to the resolutions ; but having a wholesome fear and respect for the Assembly, and not wishing again to bring down the wrath of some of the members of that body upon our humble heads, we are content to recommend the passage of the resolutions, without amendment.

All of which is respectfully submitted.

SAM'L A. MERRITT,
Chairman of Committee on Federal Relations.
SULLIVAN,
HART,
ALLEN.

Report accepted, and, with bill, placed on file.

The Committee on Internal Improvements made the following report:

MR. PRESIDENT:—The undersigned, from the Committee on Internal improvements, to whom was referred Senate bill No. 281, entitled an act providing for the construction of a wagon road, begs leave to submit the following report:

The recent intelligence from Washington renders it somewhat doubtful whether Congress will, at the present session, take any positive action towards the construction of the Pacific Railroad; and, even should a bill pass for that purpose at the present session of Congress, it will require several years before the road can be constructed and put in practical operation. The high price of fare, and the danger and inconvenience attending the trip by ocean steamers, behooves us to adopt some plan by which the large immigration flocking to California can reach us without encountering those innumerable hardships and privations which seem to necessarily attend a trip by sea or land. The rapid progress which has been made in developing the vast and unequalled resources of our state, together with the evident fact that additional population alone is required on this coast to give it still greater prominence in the eyes of the world, and immediately to augment our prosperity and wealth, makes it indispensably necessary, in order to encourage emigration to our shores by the overland route, to open up and provide a good and permanent road, through our state, to Carson Valley, for by that source, and that alone, can we now look for that sturdy population—the farmers, mechanics, and men of industry—who, with their families, will emigrate to our state to make this their future permanent home.

The undersigned, therefore, recommends the passage of this bill, without amendment.

W. I. FERGUSON.

On motion of Mr. Ferguson, the bill and report were made the special order for Monday, April 19, at two o'clock, P. M.

The delegation from Sacramento, to whom was referred Senate bill No. 310, made the following report:

MR. PRESIDENT:—The delegation from Sacramento, to whom was referred Senate bill No. 310, an act entitled an act to grant the right to construct a bridge across the American River, at the mouth thereof, to certain parties therein named, have had the same under consideration, report the bill back to the Senate, with amendment, recommending its passage, as amended:

Amend section three—In third line, after the word "width," insert the words "not less than sixty feet."

W. I. FERGUSON,
JOSIAH JOHNSON.

Report accepted, and, with bill, placed on file.

Mr. Rogers, of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries have had under consideration Senate bill No. 323, an act to amend an act

county of San Francisco, was taken from the file, read a third time, and passed.

Mr. Grant gave notice of a reconsideration of the vote just taken.

On motion of Mr. Gregory, Senate bill No. 336, an act to authorize the sale of the real estate of the late W. B. P. Hartnell, deceased, was taken from the file, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and, on motion of Mr. Gregory, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor, which was referred to the Committee on Public Lands:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 17, 1858.

To the Senate of California:

It is my duty to call your attention to the manner in which surveys are being made under Mexican grants in this state.

In some cases, the grantees have been allowed to extend their claims over land upon which settlers have made valuable improvements, and which was always supposed to be a part of the public domain. The power of location is vested in the Surveyor General of the United States, and I am informed that his surveys are conclusive.

In my opinion, a law ought to be passed by Congress, allowing the settlers to contest the grantees' right, in cases of this character, where boundaries are changed from those originally claimed or established before the receiver and register of the land office, with a right of appeal to the department at Washington.

This was the case in Louisiana, and some other states. Unless such an act is passed, great injustice will be done to a large body of men, who have settled and improved what was supposed to be public land, but now find themselves surveyed into private grants.

It is hard, indeed, that the land-holders should now be allowed, after settlers have made the land valuable, to extend their boundaries so as to cover that which was never before claimed.

I respectfully recommend the passage of joint resolutions, calling the attention of our senators and representatives in Congress to this subject.

JOHN B. WELLER.

Mr. Bell gave notice that, at an early day, he would introduce resolutions, in compliance with the recommendation of the Governor.

Mr. Griffith gave notice that, on Monday next, he would move to amend the twenty-seventh standing rule of the Senate, so as to fix the hour of meeting at ten o'clock, A. M.

Mr. Garter, chairman of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 269, entitled an act to pay the fees of attorneys on the part of the state, in certain cases;

Also, Senate bill No. 265, entitled an act to amend an act entitled an act to authorize the funding of the floating debt of San Francisco, and to provide for the payment of the same, passed May 1, 1851;

Also, Senate bill No. 199, entitled an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison;

Also, Senate bill No. 321, entitled an act to amend an act to change the time for holding courts of sessions and county courts, in the county of Napa, approved February 14, 1855;

And find the same correctly enrolled.

E. GARTER, Chairman.

Mr. Ketchum asked leave of absence for Mr. Melony, for an indefinite period.

Granted.

Mr. Merritt moved to take from the file Senate concurrent resolution No. 40, relating to mining canals and water-ditches, for mining purposes.

Carried.

Mr. Burton moved to indefinitely postpone the resolution.

The ayes and noes were demanded by Messrs. Merritt, Anderson, and Johnson of El Dorado, and taken, with the following result: Ayes, 15—noes, 8:

AYES—Messrs. Anderson, Baker, Burton, Carpenter, Chase, Coulter, Dickinson, Garter, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, and Rogers—15.

NOES—Messrs. Allen, Berry, Goodwin, Grant, Gregory, Hart, Merritt, and Sullivan—8.

So the resolution was indefinitely postponed.

On motion of Mr. Holden, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

MONDAY, April 19, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Soule.

Journals of Saturday read and approved.

Mr. Johnson of El Dorado presented the account of the sergeant-at-arms, for arresting absentees, during the present session.

Which was referred to the Committee on Contingent Expenses.

REPORTS.

Mr. Baker, chairman of the Committee on Contingent Expenses, reported the claim of Kirk, for stationery, amounting to \$66 75, recommending that the same be paid.

Report accepted, and recommendation adopted.

Mr. Phelps, of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture have had under

consideration Assembly bill No. 318, an act amendatory of and supplementary to an act, concerning estray animals, passed April 19, 1856, and have made amendments thereto. The majority of the committee recommend the passage of the bill as amended.

Amend section first, line eighteen, after the word "thereof," by adding, "such notice may be given by letter, put into the post-office, postage paid, and directed to such person, at the nearest post-office to his or her residence, or may be sent by any established express, or by any other safe conveyance, in case there be no post or express-office in the vicinity of the residence of such person."

After the word "throughout," in the thirty-sixth line, insert the word "his."

T. G. PHELPS, of Committee.

Report accepted, and, with bill, placed on file.

Mr. Bell, by unanimous leave, introduced a bill for an act supplementary to an act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debts by said city.

Read first and second times, and referred to the senator from Alameda.

On motion of Mr. Chase, Senate bill No. 384, and Assembly bill No. 137, were taken from the table, and made the special order of the day for this day, Monday, April 19th, at two o'clock, P. M.

On motion of Mr. Gregory, Senate bill No. 150, an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26th, 1856, was taken from the table, and made the special order of the day for Wednesday, April 19th, at two o'clock, P. M.

On motion of Mr. Goodwin, Mr. Burton was granted indefinite leave of absence on account of sickness.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly bill No. 402, entitled an act to prevent the further immigration of Chinese or Mongolians to this state, have had the same under consideration, and beg leave to report, that your committee have examined the different treaties entered into between our government and the Chinese government, especially the treaty of 1844, negotiated by the Hon. Caleb Cushing, on the part of the United States, and we find nothing contained in said treaty which inhibits the state from prohibiting the further immigration of Chinese to this state; aside from this, we are of the opinion that every state of the Union has a right as a sovereign state to exclude from her borders any class of persons which, in her judgment, it is not good policy to permit to reside therein. This we deem to be the true state's rights doctrine, and which right upon the part of the state cannot be restricted by the federal government. Our right to exclude the Chinese being then acknowledged, the only question remaining to be disposed of is one of policy, viz.: Is it good policy to permit the further immigration of Chinese or Mongolians to this state?

The bill under consideration does not propose to interfere with the Chinese in this state at present. Already our promising state is cursed with a numerous population of Chinese, who never can become citizens, even if it were desirable, in a country whose institutions are unappreciated by them.

The Chinese are no benefit to any class of our citizens, except to steamboat and stage men, and some few traders; their habits, manners, and

appearance, are disgusting in the extreme, as any one may testify who has ever seen this class of our population collected together in any considerable numbers. They have settled upon our country in hordes, a visitation worse than the locusts of Egypt, and are rapidly exhausting our placers of their mineral wealth; thus, as it were, robbing American citizens, and those capable of becoming such, of a heritage which of right belongs to them. The revenue derived by the state and counties from the Chinese, although considerable, sinks into insignificance when compared with the great evils, social and otherwise, inflicted upon us by the presence of this class of semi-barbarians.

We say, then, prohibit their further immigrating, by the passage of this bill, without amendment, and drive out of the land those already here, by the enactment of stringent laws; in short, by every constitutional means in our power, let us lessen this immense evil. The people demand this at our hands; the public sentiment of California is decidedly in favor of a bill similar in its provisions to this one. If we fail in doing a duty which our common constituency demands at our hands, we fear that the people, in their primary capacity, may take this matter under their exclusive control, in order to rid themselves of the Chinese; a state of affairs deeply to be regretted by every good citizen and lover of his country.

With these hasty views, crudely expressed, upon this important subject, your committee beg leave to report the bill back to the Senate, and recommend its passage, believing that California is peculiarly the country for the white man, and that we should exclude the inferior races.

All of which is respectfully submitted.

MERRITT,

Chairman of Committee on Foreign Relations.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills report that on this day, April 19th, at 11 o'clock, A. M., they presented to the Governor, for his approval, Senate bill No. 321, an act to change the time of holding the courts of sessions and county courts, in the county of Napa;

Also, Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison;

Also, Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases;

Also, Senate bill No. 265, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851.

E. GARTER, Chairman.

GENERAL FILE.

Senate bill No. 146, an act to provide for the purchase of the courthouse of Sacramento county, for a capitol, was, on motion of Mr. Ferguson of Sacramento, laid on the table.

Senate bill No. 297, an act providing for the government of the state prison convicts, was laid on the table.

Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state, arising from the

late management and direction of the state prison, was, on motion of Mr. Goodwin, made the special order for Tuesday, April 20, at two o'clock, P. M.

Senate bill No. 144, an act appropriating money for the support of the state prison, was, on motion of Mr. Goodwin, made the special order of the day for to-morrow, Tuesday, April 20, at two o'clock, P. M.

Senate bill No. 276, an act granting to Mathew Woods the right to construct a wire suspension, or truss bridge, across the Yuba River—

Mr. Carpenter moved to indefinitely postpone the bill.

Lost.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Anderson, and Dickinson, and taken, with the following result: Ayes, 12—noes, 12:

AYES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, and Sullivan—12.

NOES—Messrs. Anderson, Baker, Berry, Carpenter, Coulter, Dickinson, Holden, Johnson of El Dorado, Ketchum, Merritt, Phelps, and Taliaferro—12.

Being a tie vote, the president voted in the negative.

So the Senate refused to pass the bill.

Assembly bill No. 388, an act to audit the claim of Jonathan Nickols, was read a third time, and passed.

Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857, was considered as in Committee of the Whole, and reported back, with amendments:

IN SENATE.

Amendments of Committee adopted.

Mr. Berry offered the following amendment, which was adopted:

Strike out "county," and insert in lieu "counties,"—and insert "Siskiyou, Del Norte, and Klamath," after the word "Sonoma."

The bill was then read a third time.

On motion of Mr. Carpenter, it was laid on the table.

Senate bill No. 149, an act for the relief of Francis R. Crussel—

Mr. Merritt moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Bell, Merritt, and Gregory, and taken, with the following result: Ayes, 14—noes, 10:

AYES—Messrs. Anderson, Baker, Berry, Carpenter, Dickinson, Ferguson of Sierra, Garter, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Merritt, and Rogers—14.

NOES—Messrs. Allen, Bell, Chase, Goodwin, Grant, Hamm, Johnson of El Dorado, Ketchum, Phelps, and Sullivan—10.

So the bill was indefinitely postponed.

Mr. Lewis, of the Engrossing Committee, made the following report:

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 338, substitute for Assembly bill No. 34, an act to amend an act entitled an act concerning sheriffs ;

Also, Senate bill No. 299, an act prohibiting the owner or owners of goats from allowing them to run at large ;

Also, Senate bill No. 318, an act extending the privileges of the homestead law to certain persons ;

And find the same correctly engrossed.

WM. T. LEWIS,

Chairman of Engrossing Committee.

Report accepted, and, with bills, placed on file.

Mr. Baker, of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your Committee on Claims have had under consideration Senate bill No. 308, an act for the payment of the California State Telegraph Company, have directed me to report the same back, and recommend it be rejected ;

Also, the claim of Bishop and others, referred to your committee, report the same back, without recommendation.

BAKER, of the Committee.

Report accepted, and, with bills, placed on file.

Senate bill No. 277, an act to amend an act entitled an act to provide for the appointment and prescribe the duties of guardians, approved April 19, 1850, substitute adopted, bill considered as in Committee of the Whole, reported back, without amendment, and ordered engrossed, and to be read a third time.

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly, on Saturday, the seventeenth instant, concurred in Senate amendments to Assembly bill No. 30, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851 ;

And indefinitely postponed Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties ;

And, on the 15th inst., passed Assembly bill No. 439, an act relating to the water-front of the city of San Francisco ;

Also, on the 16th inst., passed Assembly bill No. 464, an act to audit and allow the claims of certain persons, for services rendered, and expenses incurred, during the insurrection in the city and county of San Francisco, A. D. 1856.

J. W. SCOBEE, Clerk.

Assembly bill No. 439 was read first and second times, and referred to the delegation from San Francisco.

Assembly bill No. 464 was read first and second times.

Mr. Griffith moved its reference to the Finance Committee.

Lost.

And the bill was referred to the Committee on Claims.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 293, an act for the relief of Hugh O'Donnell ;

Also, Senate bill No. 295, an act to empower the board of supervisors and auditor of the city and county of San Francisco, to allow and audit certain claims therein mentioned, with amendment, and ask the concurrence of the Senate.

J. W. SCOBEEY, Clerk.

Senate bill No. 295, amendments of Assembly concurred in.

Senate bill No. 212, amendments of Assembly concurred in.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 461, an act to re-locate the county seat of Solano county, by the qualified voters of said county ;

Also, Assembly bill No. 400, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco.

J. W. SCOBEEY, Clerk.

Assembly bill No. 461 was read first and second times, and referred to Senator Griffith.

Assembly bill No. 400 was read first and second times, and referred to the San Francisco delegation.

GENERAL FILE RESUMED.

Senate bill No. 338, an act to amend an act entitled an act concerning sheriffs, passed April 29, 1850, was read third time, and passed.

Senate bill No. 299, an act prohibiting the owner or owners of goats from allowing them to run at large, was read a third time, and passed.

Senate bill No. 318, an act extending the privileges of the homestead law to certain persons, was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Merritt, Dickinson, and Hamm.

Mr. Bell moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Ferguson, Garter, Goodwin, Grant, Gregory, Holden, Lewis, Rogers, and Soule

Sergeant-at-arms dispatched for absentees.

Messrs. Ferguson, Anderson, Grant, and Holden, appearing at the bar, were admitted.

On motion of Mr. Griffith, further proceedings under the call were dispensed with.

The question being on the passage of the bill, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 13—noes, 9 :

AYES—Messrs. Anderson, Allen, Baker, Bell, Carpenter, Coulter, Dickinson, Ferguson of Sacramento, Hart, Johnson of El Dorado, Ketchum, Sullivan, and Taliaferro—13.

NOES—Messrs. Berry, Chase, Ferguson of Sierra, Griffith, Hamm, Holden, Johnson of Sacramento, Merritt, and Phelps—9.

So the bill was passed.

Assembly bill No. 440, an act to prevent stations from running at large in certain localities of this State, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted, and bill read a third time, and passed.

Senate bill No. 367, an act granting the right of way to the Oxnard Company, and authorizing said company to take the water waters of the Klamath River into any of the streams flowing into the waters of the Sacramento River, and to collect a revenue therefrom, was indefinitely postponed.

Assembly bill No. 394, an act amendatory of and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1880, was, on motion of Mr. Anderson, laid on the table.

Assembly amended resolution relative to removal of Indians, was adopted.

Assembly bill No. 295, an act for the relief of Leachy Land & Co., was read a third time, and, on motion of Mr. Carpenter, was laid on the table.

Assembly bill No. 342, an act to grant H. M. Shaw the right of way across the Sacramento River, was indefinitely postponed.

Assembly bill No. 413, an act to amend certain chapters, was read a third time, and passed.

Assembly bill No. 409, an act to amend certain chapters, was read a third time, and passed.

Mr. Merritt, pursuant to notice, moved to reconsider the vote by which the Senate, on the 17th inst., passed Assembly bill No. 414, an act providing for registration of trademarks, fictitious names, and brands, in California.

Mr. Gregory moved a call of the Senate.

Carried.

Roll called.

Absent, Messrs. Corbitt, Hays, and Lewis.

Sergeant at arms dispensed for absences.

Messrs. Corbitt and Lewis, appearing at the bar of the Senate, were admitted.

On motion of Mr. Lewis, further proceedings under the call were dispensed with.

The question being on the motion to reconsider, the ayes and noes were demanded by Messrs. Merritt, Gregory, and Berry, and taken, with the following result: Ayes, 16—noes, 10.

Ayes—Messrs. Anderson, Baker, Berry, Chamberlain, Coulter, Dickinson, Ferguson of Santa Clara, Johnson of Sacramento, Johnson of El Centro, Ketchum, Lewis, Merritt, Phelps, Rogers, and Sullivan—16.

Noes—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Grant, Gregory, Corbitt, Hays, Thomas, and Williams—10.

So the vote was reconsidered.

Mr. Merritt moved to reconsider the bill to a special committee of three, with the following instructions, and to report to-morrow:

Recommit the bill to committee, with instructions to so amend the bill—

First, As to divide the fees of recording equally, between the county recorder and the State Registrar.

Second, Make the recorder pay the fees directly to the State Registrar, and take his receipt therefor, and file it with State Treasurer.

Third, Strike out the appropriation of \$500 to be made out of the general fund.

Fourth, Amend so as to make the party performing the ceremony make record of marriages, the clerks of district courts, of divorces, the parents, or one of them, of the birth of children, and the party in whose house a person dies, of his death.

Strike out that portion of the bill which makes certificates from the Registrar's office evidence in courts.

Mr. Anderson offered the following amendment to the instructions, which was adopted :

Amend instructions that the Secretary of State be made State Registrar, and that the records be kept in the state library.

The instructions, as amended, were then adopted, and the bill so referred.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 13, an act to amend an act to reorganize and establish the county of San Mateo, approved April 18, 1857, was taken up, and considered in Committee of the Whole.

Mr. Merritt in the chair.

The chair announced, as special committee to whom was referred, with instructions, Assembly bill No. 413, Messrs. Bell, Rogers, and Johnson of El Dorado.

The question being on the indefinite postponement of the bill, was put, and lost.

Mr. Phelps offered a substitute for the bill, pending consideration of which, on motion of Mr. Johnson of El Dorado, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest : THOMAS N. CAZNEAU, Secretary Senate.

IN SENATE.

TUESDAY, April 20, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

The journal of yesterday was read and approved.

Mr. Baker presented the claim of James Anthony & Co., for papers furnished senators.

Referred to the Committee on Contingent Expenses.

Mr. Baker presented Comptroller's warrants Nos. 685 and 683, for \$150 and \$170 70, of Edward Lander.

Referred to the Committee on Claims.

REPORTS.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, the following bills:

Senate bill No. 253, an act to audit certain claims;

Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1857;

Senate bill No. 207, an act to audit certain claims;

Senate bill No. 228, an act to audit the claim of Samuel Warren;

Senate bill No. 284, an act to fix the salary of the district attorney of the county of Tehama;

Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons;

Senate bill No. 247, an act to allow Lindley Carson to sell certain real estate;

Senate bill No. 252, an act to audit the claim of John Dall;

Substitute for Senate bill No. 243, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, approved April 30, 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco;

And Senate concurrent resolution No. 41, directing the Secretary of State and the clerk of Monterey county to deliver to the United States Surveyor General for California all Spanish or Mexican archives which they may have in their possession.

E. GARTER, Chairman.

Mr. Anderson made the following report:

MR. PRESIDENT:—The undersigned, members of the Committee on State Prison and Public Buildings, have had under consideration Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state, arising from the late management and direction of the state prison. We differ with those who have reported on this bill, and for the following reasons:

The state of California, on the 26th of March, 1856, entered into an arrangement with General James M. Estell, in which, for himself, he covenanted (among other things) to provide, under the direction of the state prison commissioners, the necessary and proper overseers, guards, and employees, for said prison or prisons, and to furnish to said state prison convicts suitable proper and wholesome food, drink, clothing, and medical attendance, and to treat such convicts humanely, etc., etc.; also, at his own proper cost and expense to establish and erect such buildings, prisons, and walls, and make such other improvements on the premises described, or to be purchased by the state for state prison uses and purposes, as would conduce to the safety and convenience of properly keeping, securing, working, clothing, feeding, and providing medicines and medical attendance for the state convicts, and treating and using them humanely, and without subjecting the state, in any way or manner, to any payment, charge, expense, or demand for the same, except the salaries of the state prison directors then in office. The work and buildings

referred to he agreed to do and build, in accordance with such plan or plans and specifications as the board of commissioners should direct and approve of, and at such times and place, or places, and of such materials, as they should order.

Said Estell, at the executing of said contract, received a large amount of cattle, personal property, and certain vessels, with their sails and tackle, the property of the state, of great value.

To secure the state, he executed to the same, on his own behalf, a bond in the sum of two hundred thousand dollars, (\$200,000,) conditioned that he (Estell) would keep and perform, all and singular, the covenants and agreements on his part to be kept and performed.

He was to return the property and the prisoners of the state, at the expiration of five years, and in the meantime, was to have the benefit of the use and labor of the same, and in addition, to receive a monthly instalment of ten thousand dollars (\$10,000) per month.

Whether this contract was valid and binding in law upon the parties thereto, is now an open question; it has never been judicially passed upon, and for the purpose of this report, we are willing to regard it as a mooted question.

There is much, however, in connection with the matter, that is certain—the state, for the time being, never held business relations about the matter with any other person than said Estell, had no responsibility from any other person or persons, and is now, neither in law, equity, or fair dealing, under any kind of obligation to any other person than him. Whatever equities exist at this time, are between the state and General Estell; and Mr. McCauley, as the sub-lessee of the prison, which he claims to be, cannot be known to the state in any other or better character than as Estell's agent, in which position, he will not lay claim to greater consideration than his principal.

This view of the case cannot work injustice to individuals, and a different one would subject the state to ruinous demands, unsanctioned by any kind of authority or precedent.

Up to the 20th day of December, 1857, the state authorities have paid to Gen. Estell the monthly instalments, as agreed upon; he has had from the treasury, in the aggregate, two hundred and ten thousand dollars (\$210,000).

The improvements made upon the state prison grounds, were only made from actual necessity, and without which, the lessee could not have conducted his own business;—could not have employed the state convicts' labor to his advantage, and draw his ten thousand dollars per month.

The materials in the construction of said improvements were the property of the state; he found them on the ground, when he entered upon the lease, ready manufactured to his hand, and, as permanent improvements, are of questionable utility to the state.

The labor of the convicts was formerly, for the period of four years, considered by the lessee sufficient to compensate him for feeding, clothing, and guarding them, and if this be true, the only remuneration the state has for two hundred and ten thousand dollars already paid upon the contract of 1856, are these improvements. If the contract was good to the lessee for the money of the state, it should be good to the state for this trifling remuneration made for the benefit of the lessee; but thus, incidentally, in the use of the state. The property received by the lessee from the state, has not been turned over to the authorities; some of it has been removed a great distance from the prison grounds, and in one instance, it is held in pledge for a private indebtedness of the lessee.

The lessee failed to erect the buildings at the times, places, and according to the specifications settled upon and ordered by the commissioners, and, in fact, trifled with the authorities of the state, and exhibited a degree of bad faith in connection with the matter, which, tolerated in like cases, will soon bring the authorities into contempt.

He agreed to erect valuable buildings, without any cost to the state, on the approval of plans and specifications by the commissioners; but before they could approve of any plans and specifications, they must first have them to pass upon. These he failed to furnish, and the state has been taxed with that expense, and the necessary disbursements of an architect, in the sum of _____ dollars.

The property claimed by Mr. McCauley may not be needed by the state—he is not compelled to sell it to the state; but if the authorities and he should agree upon the purchase and sale of any part of it, which, in the future, may be decided to be his, as claimed, they have it in their power to purchase and pay for it in cash, at such prices as may be agreed upon.

This gentleman, in his communication to the Governor, of the nineteenth of February last, and by the Governor transmitted to the Senate, uses the following language:

“He asks only to be reinstated to the position he occupied before his connection with the establishment, and to be permitted to receive the instalments accruing before the act passed to repeal the contract.”

What Mr. McCauley may have meant by being reinstated to his former position, is not clear to the undersigned. If it is a reinstatement of his financial condition, we can only say that the request is too unspecific for business men to act upon, whilst the reference made to accruing instalments immediately following, is so direct and pointed as to repel such conclusion.

This proposition, if it have any foundation of reasonableness, is based upon the hypothesis that there was originally a legal contract. A slight reference to the state of accounts, will show the lessee indebted to the state, thus:

CREDIT:

Accruing instalments from December 27, 1857, to March 1,	
1858, two months and three days,	\$20,999 00

DEBIT:

Moneys expended in obtaining plans and specifications for prison buildings, and for expense of architect,	\$2,750 00
Probable value of property deficient, and of unburnt bricks received by Estell from the state, say,	5,000 00
Value of buildings which were ordered built by the commissioners,	100,000 00
Total,	\$107,750 00
Amounts of credits,	20,999 00
Difference in favor of the state,	\$86,751 00

This statement, we do not contend is strictly correct, or embraces anything like a full exhibit, but that it approximates sufficiently to the facts for present purposes.

To go no further into an examination of accounts, we are satisfied that there is nothing due to the lessee or his agent. The bill creating a board of examiners, we feel assured will become a law, and if we have done injustice to any one, the road will be open to a minute and complete examination of all the facts of the case before gentlemen peculiarly fitted to hear and determine the rights of the parties. The undersigned, therefore, in consideration of the foregoing, recommend the indefinite postponement of the bill now before us, and of all legislation at this time having in view a settlement of accounts.

E. F. BURTON,
JAMES ANDERSON.

Report accepted, and filed, with bill, on calendar.

The Judiciary Committee made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 238, an act to grant to Henry De Grow, sheriff of Monterey County, leave of absence from the state, report the same back, without recommendation ;

Senate bill No. 337, an act for the relief of Selah Russell, and recommend its passage, as amended. In section second, amend by adding, at the end of said section, " providing Selah Russell shall, by affidavit, or other satisfactory proof, if required, satisfy the Comptroller of the loss of the original land warrants aforesaid, and that he was the owner thereof, at the time of said loss ;"

Also, Senate bill No. 19, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 54, an act repealing certain provisions contained in the act to regulate the interest of money, passed March 13th, 1850, and recommend its indefinite postponement ;

Also, Senate bill No. 320, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, passed April 29th, 1851, and recommend its passage ;

Also, Senate bill No. 224, an act concerning the office of county assessor, and defining his duties and powers, as collector of poll-taxes, and recommend its indefinite postponement ;

Also, Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, and recommend its passage ;

Also, Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight, and report the same back, without recommendation ;

Also, Assembly bill No. 364, an act for the better protection of laborers and mechanics, and other workmen, and report it back, without recommendation.

Also, Assembly bill No. 380, an act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell the real estate of the testator at private sale, and recommend its passage ;

Also, Senate bill —, an act to authorize the executors and administrators of Joaquin Soto, deceased, to sell the real estate of said deceased, at private sale, and recommend its passage ;

Also, Senate bill No. 231, an act amendatory and supplementary to an act entitled an act concerning jurors, approved May 3d, 1852, amended January 28th, 1854, and report the same back, without recommendation ;

Also, Senate bill No. 111, an act amendatory of an act entitled an act

concerning jurors, passed May 3d, 1852, and report the same back, without recommendation ;

Also, Assembly bill No. 460, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant, and recommend its passage ;

Also, Senate bill No. 255, an act in addition to and amendatory of an act entitled an act supplementary to an act entitled an act to apportion the Senatorial and Assembly districts of this state, passed May 18th, 1853, approved March 6th, 1857, and recommend its indefinite postponement ;

Also, Senate bill No. 102, an act to amend an act concerning jurors, passed May 3d, 1852, and report the same back, without recommendation ;

Also, an act to authorize the administrators of Juan A. Vallejo to sell real estate of deceased, and recommend its indefinite postponement ;

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Senate bill No. 339, an act to pay the Treasurer of State for extra services, have had the same under consideration, and report the bill back to the Senate, with amendments, recommending its passage, as amended :

Amend section one, in fourth line—Strike out the word “fifteen,” and insert the word “twelve.”

JOSIAH JOHNSON,

Chairman of Committee on Finance.

Report accepted, and, with bill, placed on file.

The Committee on Claims made the following report :

MR. PRESIDENT :—Your committee on Claims, to whom was referred the claim of H. Bowie, for supplies furnished at state prison in the year 1855, have directed me to report same back, and recommend the sum of \$10,111 be inserted in Senate bill No. 315, an act to audit the claim of H. Bowie, and recommend the passage of the same ;

Also, Senate bill No. 322, an act to audit the claim, for services and expenses, of Edward F. Beale, have directed me to report the same back, with the accompanying substitute, and recommend its passage.

BAKER, of the Committee.

On motion of Mr. Baker, the bill was taken up, and placed at foot of calendar.

Mr. Sullivan made the following report :

MR. PRESIDENT :—Your Committee on State Library have had under consideration Senate bill No. 340, an act to authorize the Secretary of State to insure the state library, and report the same back, recommending its passage.

E. L. SULLIVAN,

Chairman of Committee on State Library.

Report accepted, and, with bill, placed on file.

Mr. Grant made the following report :

MR. PRESIDENT:—The select committee, to whom was referred Assembly bill No. 400, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco, have had the same under consideration, report the same back to the Senate, without amendment, and recommend its passage.

GRANT,
PHELPS,
SULLIVAN,
SOULE,

Of delegation from San Francisco and San Mateo.

On motion of Mr. Merritt, the rules were suspended, and the bill read a third time, and passed.

Mr. Sullivan made the following report:

MR. PRESIDENT:—The undersigned, of the special committee composed of the San Francisco delegation, to whom was referred Assembly bill No. 439, an act relating to the water-front of the city of San Francisco, have examined the same, and recommend its passage.

SULLIVAN,
SOULE.

Report accepted, and, with bill, placed on file.

Mr. Burch made the following report:

MR. PRESIDENT:—I herewith report Assembly bill No. 391, with amendment, as follows: Strike out the word "required," after "authorized," in the second line of the first section, and that the bill be passed, as amended.

BURCH, Twenty-first District.

APRIL 20, 1858.

Report accepted, and, with bill, placed on file.

Mr. Johnson of El Dorado, of the majority of the special committee, reported back, verbally, Assembly bill No. 413, an act providing for registration of marriages, births, divorces, and deaths, in California, recommending the passage of the bill, in accordance with instructions.

Mr. Bell made the following minority report:

MR. PRESIDENT:—The special committee to whom was recommitted an act providing for registration of marriages, births, divorces, and deaths, in California, beg leave most respectfully to report the same back to the Senate, recommending that so much of said act as provides for the records of the Registrar being *prima facie* evidence in courts of law, comprised in the last nine lines of the act, be stricken out.

BELL, of the Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 20, 1858.

To the Senate of California:

I have, this day, approved an act to amend an act entitled an act to

authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851;

Also, an act to amend an act entitled an act to change the time of holding the court of sessions in the county of Napa, approved February 14, 1855;

Also, an act to pay the fees of attorneys on the part of the state, in certain cases;

Also, an act supplementary to an act of April 30th, 1855, concerning the escape of convicts from the state prison;

Also, an act to audit the claim of James Smiley;

Also, an act to audit the claim of D. H. Carpenter.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 16th inst., passed Assembly bill No. 458, an act fixing the time at which the clerk of the Supreme Court shall be elected.

J. W. SCOBEX, Clerk.

APRIL 19, 1858.

Assembly bill No. 458 was read first and second times, and referred to the Committee on Elections.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 19, 1858. }

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 283, an act to amend section one of an act entitled an act to provide revenue for the support of the government of this state, from a tax to be levied and collected from foreign and inland bills, and other matters, approved April 29, 1857.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 283 was read first and second times, and, on motion of Mr. Merritt, the rules were suspended, bill considered, and, on motion of Mr. Chase, was referred to the Committee on Finance, with instructions to report to-morrow.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the 19th inst., passed Senate bill No. 331, an act to authorize the board of supervisors, in and for Butte county to issue the bonds of said county for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon roads in said county, and to provide for the payment of said bonds;

Also, have concurred in Senate amendments to Assembly amendments to Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land, donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning;

Also, passed Senate bill No. 92, an act concerning county treasurers;

Also, concurred in Senate amendments to Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing

the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854;

Also, passed Assembly bill No. 396, an act to audit certain claims;

Also, passed Assembly bill No. 422, an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad;

Also, passed Assembly bill No. 363, an act to amend the 112th section of an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854;

Also, concurred in Senate amendments to Assembly bill No. 376, an act to authorize the boards of supervisors of Shasta county to levy a special tax, and create a redemption fund for the payment of county indebtedness;

Also, amended, and passed Senate bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county, and ask the concurrence of the Senate;

Also, passed Assembly bill No. 435, an act to audit certain claims;

Also, passed Assembly bill No. 414, an act for the relief of certain persons;

Also, passed Assembly bill No. 306, an act to provide for the recovery of the possession of lands in certain cases, in this state, and for the protection of settlers;

Also, passed Senate bill No. 314, an act to audit certain claims;

Also, passed Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857;

Also, passed Senate bill No. 142, an act to amend an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854;

Also, passed Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Also, indefinitely postponed Senate bill No. 256, an act to fix the salary of the district attorney of the county of Santa Clara;

Also, amended and passed Senate bill No. 170, an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April 10, 1855;

And ask the concurrence of the Senate.

Also, this day, refused to concur in Senate amendments to Assembly bill No. 263, an act to authorize the guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate at private sale, and respectfully ask the Senate to recede from the same.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 396 was read first and second times, and placed on file.

Assembly bill No. 422 was read first and second times, and referred to the Committee on Federal Relations.

Assembly bill No. 363 was read first and second times, and referred to the Committee on Finance.

Senate bill No. 283, amendments of Assembly concurred in.

Assembly bill No. 435 was read first and second times, and placed on file.

Assembly bill No. 414 was read first and second times, and placed on file.

Assembly bill No. 306 was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 170, amendments made by Assembly concurred in.

Assembly bill No. 263, on motion of Mr. Gregory, the Senate receded from their amendment.

The following message was received from the Assembly :

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses;

Also, Assembly bill No. 477, an act to amend an act entitled an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

And, on the 17th instant, passed Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances, and other instruments in writing.

J. N. BINGAY, Assistant Clerk.

Assembly bill No. 171 was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 477 was read first and second times, and referred to the delegation from Nevada, Sacramento, Monterey, and Amador.

Assembly bill No. 40 was read first and second times, and referred to the Judiciary Committee.

SPECIAL ORDER OF THE DAY—GENERAL FILE.

Assembly bill No. 437, an act for the relief of C. Binney, was read third time, and passed.

Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co., was read first and second times, and, on motion of Mr. Dickinson, the rules were further suspended, bill considered engrossed, read third time, and passed.

The report of the Committee on Claims on the petition of J. N. Irwin, recommending its rejection, was adopted.

The claim of N. A. H. Ball, was taken up, and rejected.

Senate bill No. 217, an act to audit the claim of Baker & Swinerton—

Mr. Johnson offered the affidavits of parties, the bill was then ordered engrossed, and to be read a third time.

Assembly bill No. 427, an act concerning roads and highways in and for the counties of Tuolumne and Alameda—

Consideration of the bill in Committee of the Whole, report of the committee adopted, and bill read a third time, and passed.

Senate bill No. 310, an act entitled an act to grant the right to construct a bridge across the American river, at the mouth, to certain parties therein named, amendment reported by committee adopted, and, on motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly joint resolution No. 9, instructing our senators, and requesting our representatives, to have American consuls established at the ports of Guaymas, Mazatlan, Manzanillo, and La Paz, was read a third time, and passed.

Senate bill No. 281, an act providing for the construction of a wagon road—

The question being on ordering the bill engrossed and to be read a third

time, the ayes and noes were demanded, by Messrs. Merritt, Anderson, and Thom, and taken, with the following result: Ayes, 10—noes, 17:

AYES—Messrs. Bell, Carpenter, Dickinson, Ferguson of Sacramento, Grant, Griffith, Hamm, Johnson of Sacramento, Johnson of El Dorado, and Rogers—10.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burch, Chase, Coulter, Garter, Goodwin, Hart, Holden, Ketchum, Merritt, Soule, Sullivan, Taliaferro, and Thom—17.

So the Senate refused to order the bill engrossed.

Mr. Merritt moved to reconsider the vote by which the Senate, on yesterday, rejected Assembly bill No. 276, an act granting to Matthew Wood the right to construct a wire suspension, or truss bridge across the Yuba River—

Upon which, the ayes and noes were demanded by Messrs. Anderson, Soule, and Allen, and taken, with the following result: Ayes, 16—noes, 12:

AYES—Messrs. Allen, Burch, Bell, Chase, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Merritt, Phelps, Soule, Sullivan, and Taliaferro—16.

NOES—Messrs. Anderson, Baker, Berry, Carpenter, Coulter, Dickinson, Hamm, Holden, Johnson of El Dorado, Ketchum, Pacheco, and Rogers—12.

So the vote was reconsidered.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Baker, Anderson, and Allen, and taken, with the following result: Ayes, 14—noes, 14:

AYES—Messrs. Allen, Bell, Chase, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Hart, Johnson of Sacramento, Merritt, Phelps, Soule, and Taliaferro—14.

NOES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Coulter, Dickinson, Hamm, Holden, Johnson of El Dorado, Ketchum, Pacheco, Rogers, and Sullivan—14.

There being a tie vote, the president voted in the negative.

So the bill was rejected.

Senate bill No. 326, an act to protect the property of citizens of this state, against loss or injury from railroad cars, was taken up, substitute adopted, and consideration of bill as in Committee of the Whole, dispensed with.

On motion of Mr. Ferguson of Sacramento, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Merritt in the chair.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 212, entitled an act for the incorporation of water companies, and find the same correctly enrolled.

E. GARTER, Chairman.

APRIL 20, 1858.

Senate bill No. 323, an act to amend an act to create the county of Sierra and establish the seat of justice therein, to define its boundaries, and provide for the organization, passed April 16, 1852—

On motion of Mr. Phelps, the rules were suspended, bill considered engrossed, read third time, and passed.

The claim of Thomas Cavanaugh was taken up and rejected.

Senate bill No. 278, an act for the relief of Michael Fennell—

The question being on adopting the report of Committee on Claims, recommending rejection of the bill, was lost, and bill considered in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

The question being upon ordering the bill engrossed and to be read a third time—

Upon which, the ayes and noes were demanded by Messrs. Anderson, Baker and Dickinson, and taken, with the following result: Ayes, 17—noes, 9:

AYES—Messrs. Allen, Berry, Bell, Carpenter, Ferguson of Sacramento, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Soule, Sullivan, and Taliaferro—17.

NOES—Messrs. Anderson, Baker, Burch, Coulter, Dickinson, Garter, Gregory, Rogers, and Thom—9.

So the bill was ordered engrossed, to be read a third time.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 20, 1858. }

To the Senate of California:

I return, herewith, to your honorable body, without my approval, an act to suppress gaming.

The first section of the act of April 28th, 1857, was in advance of public sentiment; and, therefore, no efforts have been made, to my knowledge, to secure convictions under it. Indeed, although in several states gambling has been declared a felony, I have never heard of any one being convicted of this crime. As a general principle, there should not be any law upon the statute book which public opinion will not allow to be enforced. Such a law might produce a good impression abroad, but it would reflect little credit on us here, where it is notorious that it cannot be executed. More certainty, and less severity, would, in my opinion, be the best policy.

Gambling, in the early history of this state, was the common amusement of a large portion of our people, and it is only within a few years that it has been expelled from the most public places. The vice still exists, to an alarming extent, but it has been driven into secret places, and the moral sense of the community is not so frequently shocked as heretofore. In no one thing, however, has society been improved so much as in this respect, and it is probable that we would suffer but little by a comparison with some of our sister states.

That gambling-houses are still carried on, and that the young and unwary are still being ruined, is a notorious fact. If a correct biography could be written of all who have fallen victims, here, to this vice, since

the settlement of our state by Americans, a picture would be presented which would reflect no credit upon our race. How many fortunes have been squandered, hearths desolated, families separated, children impoverished, and prisons filled, by these gambling-saloons! Who can estimate the misery which they have inflicted upon society? Who can count the graves which they have filled?

This may be one of the evils which legislation cannot correct, but it is the duty of those who represent the people to do all in their power to suppress it. This cannot be done by passing laws so severe that they cannot be executed, nor by enacting those which inflict so light a penalty that it is not felt.

The act now before me makes the dealer of certain banking games, therein named, guilty of a misdemeanor, and subject to a fine, of not less than five hundred nor more than six hundred dollars. I think it will be difficult to find a penal act, where the maximum and minimum punishments are placed so closely together. By the act which this repeals this offence is a felony, and subjected the party to imprisonment, for not more than five nor less than one year. The old law makes it a misdemeanor to bet on any of these games; the act before me does not. This is making too wide a distinction between men occupying seats on different sides of the same table. The act of 17th April, 1855, (which this also repeals) very properly makes a distinction between the punishment for the first and second offence; this law does not. The existing act goes further than the common law, in declaring certain contracts, etc., in regard to gaming, null and void; this act is silent on the subject. Under the bill before me, if the gambler was only indicted three or four times in the year, the maximum fine is so insignificant that he could pay the penalty, and still carry on a profitable business. This license (for this it is in effect) would amount to some one hundred and fifty or two hundred dollars per month. This is far less than the sum charged for license for gambling-houses, by the act of March 14th, 1851. That law compelled a house keeping over three tables to pay five hundred dollars per month; and houses containing three tables or less, three hundred and thirty-three dollars per month.

There is a provision in this act which, it is said, is an improvement on the present law. It is, that any person convicted under it may be imprisoned until the fine is paid. The Supreme Court of this state has already decided that "when a fine is imposed, on conviction for gaming, the defendant may be imprisoned to enforce its payment," and so there was no necessity for this provision. It is true that this act includes the games of "rondo and keno," but the advantages resulting from this are more than counterbalanced by the objections which I have stated to other provisions. It is better that the disgraceful scenes which are enacted, at the few tables which are still kept up, should be continued, for another year, than that the bill before me, so impotent for good, so pregnant of evil, should become a law.

Entertaining these opinions, the bill is respectfully returned, for reconsideration.

JOHN B. WELLER.

The question, being "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 6—noes, 15:

AYES—Messrs. Allen, Coulter, Ferguson of Sacramento, Hart, Johnson of Sacramento, and Lewis—6.

NOES—Messrs. Baker, Berry, Burch, Bell, Carpenter, Dickinson, Garter, Holden, Johnson of El Dorado, Ketchum, Merritt, Rogers, Soule, Taliaferro, and Thom—15.

DECLINED—Mr. Goodwin declined voting.

So the Senate refused to pass the bill.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
April 20, 1858. }

MR. PRESIDENT:—The Assembly, on the 19th instant, passed Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges;

Also, amended and passed Senate bill No. 272, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, and respectfully ask the concurrence of the Senate;

Also, have, this day, passed Senate bill No. 306, an act amendatory of and supplementary to an act, approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22d, A. D. 1850;

Also, passed Senate bill No. 333, substitute for Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857;

Also, passed Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them.

J. N. BINGAY, Ass't Clerk.

Senate bill No. 270, amendments made by Assembly concurred in.

SPECIAL ORDER OF THE DAY.

Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state arising from the late management and direction of the state prison, was taken up, and, on motion of Mr. Sullivan, the bill, together with Senate bill No. 144, an act appropriating money for the support of the state prison, were made the special order of the day for to-morrow, Wednesday, April 21st, at two o'clock, P. M.

FURTHER SPECIAL ORDER.

Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases, was taken up.

Mr. Ferguson of Sacramento moved to make the bill the special order of the day, for to-morrow, Wednesday, April 21, at two o'clock, P. M.

Carried.

Mr. Griffith moved to take up Senate bill No. 282, an act authorizing the Attorney General to compromise certain judgments.

Substitute adopted, and consideration of bill in Committee of the Whole dispensed with.

Mr. Griffith moved to strike out, in section three, the words, "or funded bonds."

Carried.

Mr. Griffith moved to suspend the rules, and consider the bill engrossed, and read a third time.

Carried.

The bill was then read a third time.

The question, being on the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Pacheco, and Hart, and taken, with the following result: Ayes, 18—noes, 6:

AYES—Messrs. Anderson, Allen, Burch, Bell, Ferguson of Sacramento, Garter, Grant, Gregory, Griffith, Hamm, Hart, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Soule, Sullivan, Taliaferro, and Thom—18.

NOES—Messrs. Berry, Carpenter, Coulter, Dickinson, Merritt, and Pacheco—6.

So the bill was passed.

Mr. Anderson offered the following resolution:

Resolved, That from and after twelve o'clock, M., of the twenty-third of April, 1858, no legislative business shall be transacted, except to act upon Executive messages and Assembly messages, announcing the passage of bills previously passed by the Senate.

Laid upon the table.

On motion of Mr. Thom, Senate bill No. 290, an act for the relief of the county of Santa Barbara, was taken from the table, and referred to the delegation from Santa Barbara.

Mr. Pacheco, by unanimous leave, introduced a bill for an act to repeal an act to incorporate the town of San Luis Obispo, approved February 19, 1856, which was read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Gregory moved to take from file Senate bill No. 337, an act to authorize the administrator of the estate of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale, which was carried, and the bill indefinitely postponed.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 293, entitled an act for the relief of Hugh O'Donnell, and find the same correctly enrolled.

E. GARTER, Chairman.

Mr. Anderson gave notice of a reconsideration of the vote by which the Senate passed Senate bill No. 282.

Mr. Burch moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Johnson of Sacramento, Gregory, and Burch, and taken, with the following result: Ayes, 8—noes, 15:

AYES—Messrs. Anderson, Burch, Bell, Ferguson of Sacramento, Garter, Hamm, Johnson of Sacramento, and Thom—8.

NOES—Messrs. Allen, Berry, Carpenter, Chase, Coulter, Dickinson, Goodwin, Gregory, Griffith, Johnson of El Dorado, Ketchum, Pacheco, Soule, Sullivan, and Taliaferro—15.

So the Senate refused to adjourn.

Mr. Gregory moved to take up, from file, Senate bill No. —, an act to authorize the executors or administrators of Joaquin Soto, deceased, to sell the real estate of said deceased at private sale.

Mr. Johnson of Sacramento moved a call of the Senate.

Lost.

The bill was then taken up, read first and second times, and, on motion of Mr. Gregory, the rules were suspended, bill read a third time, and passed.

Mr. Allen moved to take from the table Assembly bill No. 223, an act for the relief of Luther Laird & Co.

Mr. Carpenter moved to adjourn.

Lost.

And, on motion of Mr. Carpenter, the bill was referred to the Committee on Claims.

Mr. Bell, by unanimous leave, made the following report :

MR. PRESIDENT :—The special committee, consisting of the delegation from Alameda, to whom was referred an act providing for the funding of the debt of the city of Oakland, begs leave, most respectfully, to report back the bill, recommending its passage, after being amended.

BELL.

On motion of Mr. Bell, the rules were suspended, and bill considered as in Senate.

The following amendments, reported by Mr. Bell, were adopted :

Section one—Amend the first section by striking out after the word "mayor," the words, "marshal, and president of the common council of said city shall, *ex officio*," and insert the words, "of said city, and Artemas Davidson and William Hillegass, residents of said city, shall."

Section two—Amend section two, by inserting after the word "inspection," in the eighth line thereof, the words, "any vacancy in the board by death, resignation, removal from the city, failure to qualify, or otherwise, shall be filled by the common council."

Section seven—Amend section seven, by striking out of the fourth line thereof, the words "and fifty ;" also, by striking out, in line seven of said section, the words "six months," and inserting "one year."

And, on motion of Mr. Bell, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest : THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

WEDNESDAY, April 21, 1858.

Senate met pursuant to adjournment.

President in the chair.

The roll was called.

Journals of yesterday read and approved.

Mr. Baker presented sundry bills, which were referred to the Committee on Contingent Expenses.

REPORTS.

The Committee on Federal Relations made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred Assembly bill No. 395, entitled an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes, have had the same under consideration, and beg leave to report that, in their opinion, a law of this character has become a necessity in California.

The position of the free negro in this state is a peculiar one. He is not the equal of the white man, socially or politically, he cannot testify in our courts, or exercise the right of suffrage. Hence, in our judgment, it is not good policy, on our part, to encourage the immigration of any class of persons incapable of appreciating and enjoying, to the fullest extent, our institutions.

The negro is, by nature, indolent, and in a state of freedom, becomes a ready prey to vice, particularly in our large cities. We deem it unnecessary to refer to the condition of the free negro in other portions of our Union, as a proof of the evils of harboring them here in our midst.

The presence of the free negro here, is a constant source of disquiet, for we are sorry to say, that there is not wanting a class of white men in our state, whom a false philanthropy leads to foster the ignorant pride of the free negro, so that he becomes insolent and defiant, and if in sufficient numbers, would become dangerous, as evidenced by recent occurrences in one of our cities.

That there are, in California, many worthy and industrious free negroes, your committee do not deny. In fact, we know many, who, for industry, sobriety, and good conduct, would be a good example to many of our white citizens, but these are exceptionable instances.

The bill does not interfere with those free negroes, already here, but simply requires them to procure a certificate of registry from the county recorder, in the county of their residence, to show that they were residents of the state, prior to the first day of October, 1858. This portion of the bill is necessary to render it effectual. Believing, therefore, that the further immigration of free negroes and mulattoes into this state is not desirable, we beg leave to report the bill back to the Senate, and recommend its passage, without amendment.

All of which is respectfully submitted.

MERRITT,

Chairman of Committee on Federal Relations.

ISAAC ALLEN,

C. E. THOM.

Report accepted, and, with bill, placed on file.

Mr. Melony, chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT :—Your Committee on Agriculture, to whom was referred Senate bill No. 291, entitled an act to legalize certain orders of the board of supervisors of Monterey and Merced counties granting a charter to Andrew D. Firebaugh, to construct a turnpike road through Pacheco's Pass, in said counties, and to collect tolls thereon, have had the same

under consideration, and respectfully report the same to the Senate, with a substitute, and respectfully recommend the adoption and passage of the substitute.

MELONY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Johnson, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Senate bill No. 341, an act appropriating moneys for the benefit of the orphan asylum in the city of San Francisco, have had the same under consideration, and a majority of the committee have instructed me to report the bill back to the Senate, recommending its indefinite postponement.

JOSIAH JOHNSON,

Chairman of Finance Committee.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 217, an act to audit the claim of Baker & Swinerton ;

Also, Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal of state, and to appropriate money for the payment thereof ;

Also, substitute for Senate bill No. 277, an act to authorize and empower executors, administrators, and guardians, to sell the real estate of which they are the legal representatives, at private sale ;

Also, Senate bill No. 278, an act for the relief of Michael Fennel ;

And find the same correctly engrossed.

WM. T. LEWIS, Chairman of Committee.

Report accepted, and, with bills, placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 83, an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento ;

And find the same correctly enrolled.

E. GARTER, Chairman.

Report accepted.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the account of James Anthony & Co., for newspapers furnished senators, for, - - - - - \$56 92

Also, Kirk & Co., account for, - - - - - 66 75

And recommend payment from the contingent fund.

BAKER, Chairman.

Report accepted, and recommendation of committee adopted.
Mr. Johnson, of the special committee, made the following report :

MR. PRESIDENT:—The select committee to whom was referred Assembly bill No. 184, an act to define the head of navigation of the Mokelumne River, have had the same under consideration, report the same back to the Senate, recommending its indefinite postponement.

JOSIAH JOHNSON,
W. I. FERGUSON.

Report accepted, and, with bill, placed on file.
Mr. Thom, chairman of a select committee, made the following report :

MR. PRESIDENT:—The select committee to whom was referred Assembly concurrent resolution relative to printing and distributing certain laws in the Spanish language, have had the same under consideration, and beg leave to report them back to the Senate with the recommendation that they be concurred in.

C. E. THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Pacheco reported verbally upon Assembly bill No. 290, an act for the relief of the county of Santa Barbara, with an amendment, recommending its passage, when so amended.

On motion of Mr. Pacheco, the rules were suspended, bill considered, amendments adopted, and bill read third time, and passed.

Mr. Griffith, of the delegation, made the following report :

MR. PRESIDENT:—The delegation from Solano, to whom was referred Assembly bill No. 461, report the same to the Senate, and recommend its passage, without amendment.

HUMPHREY GRIFFITH.

On motion of Mr. Griffith, the consideration of the bill as in Committee of the Whole, was dispensed with, rules suspended, bill read a third time and passed.

Mr. Melony, pursuant to notice, introduced a bill for an act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1853, and an act amendatory thereof, passed April 14, 1850.

Which was read first and second times, and, on motion of Mr. Melony, the rules were suspended, and the bill considered as in Committee of the Whole.

Mr. Ferguson of Sacramento, moved to suspend the rules, consider the bill engrossed, and read a third time.

Upon which, the ayes and noes were demanded by Messrs. Melony, Burch, and Griffith, and taken, with the following result: Ayes, 22—noes, 9 :

AYES—Messrs. Baker, Berry, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—22.

NOES—Messrs. Anderson, Burch, Carpenter, Chase, Dickinson, Garter, Griffith, Johnson of El Dorado, and Pacheco—9.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Griffith, Burch, and Anderson, and taken, with the following result: Ayes, 22—noes, 8:

AYES—Messrs. Baker, Berry, Bell, Carpenter, Coulter, Ferguson of Sacramento, Goodwin, Grant, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—22.

NOES—Messrs. Anderson, Burch, Chase, Dickinson, Garter, Griffith, Johnson of El Dorado, and Ketchum—8.

So the bill was passed.

Mr. Carpenter gave notice of a reconsideration of the vote just taken.

Mr. Garter, chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twentieth day of April, at half-past eleven o'clock, A. M., presented to the Governor, for his approval, the following Senate bills, viz.:

Senate bill No. 212, an act for the incorporation of water companies;

Also, Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1857;

Also, Senate bill No. 243, an act to repeal an act to regulate the fire department of the city of San Francisco, approved April 30, 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco;

Also, Senate bill No. 207, an act to audit certain claims;

Also, Senate bill No. 253, an act to audit certain claims;

Also, Senate bill No. 252, an act to audit the claim of John Dall;

Also, Senate bill No. 247, an act to allow Lindley Carson to sell certain real estate;

Also, Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons;

Also, Senate bill No. 284, an act to fix the salary of the district attorney of the county of Tehama;

Also, Senate bill No. 228, an act to audit the claim of Samuel Warren;

Also, Senate bill No. 293, an act for the relief of Hugh O'Donnell.

E. GARTER, Chairman.

Report accepted.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following additional report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and found correctly enrolled, the following bills, to wit:

Senate bill No. 303, entitled an act to audit certain claims;

Also, Senate bill No. 330, an act amendatory of an act entitled an act to declare Feather River navigable, passed March 14, 1857;

Also, Senate bill No. 302, an act for the relief of John C. Gordon;

Also, Senate bill No. 327, an act amendatory of and supplementary to an act entitled an act to incorporate the town of Oroville, approved March 14, 1857;

Also, Senate bill No. 328, an act amendatory of the act entitled an act

to incorporate Crescent City, passed April 13, 1854, and to repeal section two of the act approved April 21, 1857, amendatory of said act of April 13, 1854;

Also, Senate bill No. 295, an act to empower the board of supervisors and auditor, of the city and county of San Francisco, to allow and audit certain claims therein mentioned;

Also, Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges.

E. GARTER, Chairman.

Report accepted.

GENERAL FILE.

Senate bill No. 217, an act to audit the claim of Baker & Swinerton, was read a third time, and passed.

Mr. Merritt gave notice of a reconsideration of the vote just taken.

Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal of state, and to appropriate money for the payment thereof, was read a third time, and passed.

Senate bill No. 278, an act for the relief of Michael Fennell, was read a third time, and passed.

Senate bill No. 277, an act to amend an act entitled an act to provide for the appointment and prescribe the duties of guardians, approved April 19, 1850, was read a third time, and passed.

Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians to this state—

Mr. Johnson of Sacramento moved to make the bill the special order of the day for Friday, April 23, at two o'clock, P. M.

Mr. Anderson moved a call of the Senate.

Lost.

The question being on Mr. Johnson's motion, the ayes and noes were demanded by Messrs. Merritt, Anderson, and Melony, and taken, with the following result: Ayes, 10—noes, 18:

AYES—Messrs. Burch, Bell, Chase, Goodwin, Johnson of Sacramento, Pacheco, Phelps, Rogers, Soule, and Sullivan—10.

NOES—Messrs. Anderson, Allen, Baker, Berry, Carpenter, Coulter, Dickinson, Ferguson of Sacramento, Garter, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Melony—18.

So the motion was lost.

Mr. Ferguson of Sacramento moved to make the bill the special order for to-morrow, (Thursday,) April 22, at two o'clock, P. M.

The ayes and noes were demanded by Messrs. Merritt, Melony, and Anderson, and taken, with the following result: Ayes, 15—noes, 13:

AYES—Messrs. Allen, Burch, Bell, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Johnson of Sacramento, Johnson of El Dorado, Phelps, Soule, and Sullivan—15.

NOES—Messrs. Anderson, Baker, Berry, Carpenter, Coulter, Dickinson, Hamm, Holden, Ketchum, Lewis, Merritt, Melony, and Taliaferro—13.

So the bill was made the special order for to-morrow, at two o'clock.

Assembly bill No. 318, an act amendatory of and supplementary to an

act concerning estray animals, passed April 19, 1856, was indefinitely postponed.

Senate bill No. 308, an act for the payment of the California State Telegraph Company, was rejected, in accordance with recommendation of Committee on Claims.

The claim of Bishop, and others, was laid on the table.

Senate bill No. 288, an act to grant to Henry De Grow, sheriff of Monterey county, leave of absence from the state, was laid on the table.

Senate bill No. 309, an act for the relief of Selah Russell, amendment of Judiciary Committee adopted, and bill ordered engrossed, to be read a third time.

Senate bill No. 19, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, was indefinitely postponed.

Senate bill No. 54, an act repealing certain provisions contained in the act to regulate the interest of money, passed March 13, 1850, was indefinitely postponed.

Senate bill No. 320, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, passed April 29, 1851, was ordered engrossed, to be read a third time.

Senate bill No. 224, an act concerning the office of county assessor, and defining his duties and powers, as collector of poll-tax, was indefinitely postponed.

Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, was, on motion of Mr. Carpenter, indefinitely postponed.

Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight—

Mr. Dickinson in the chair.

President resumed the chair.

On motion of Mr. Merritt, the bill was referred to a special committee of three, with instructions to report to-morrow.

The chair announced, as such committee, Messrs. Ketchum, Sullivan, and Soule.

Senate bill No. 231, an act amendatory and supplementary to an act concerning jurors, approved May 3d, 1852, amended January 28th, 1854—

On motion of Mr. Anderson, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 111, an act amendatory of an act entitled an act concerning jurors, passed May 3d, 1852, was indefinitely postponed.

Assembly bill No. 460, an act to authorize the issuance of duplicate for a certain lost Comptroller's warrant, was read a third time, and passed.

On motion of Mr. Taliaferro, Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3d, 1855, passed March 28th, 1857, was taken from the table, and placed on the calendar.

SPECIAL ORDER.

Senate bill No. 266, proposed amendments to the constitution of this state, was taken up.

The question being on the adoption of the following amendments to sections three and eight, of article one, of the constitution:

First amendment: Sections three and eight, of article one, are amended so as to read as follows:

Section three—The right of trial by jury shall be secured to all, and remain inviolate forever, but a jury trial may be waived by the parties, in all civil cases, and by the accused, in cases of misdemeanor, in the manner to be prescribed by law.

The roll was called, with the following result: Ayes, 17—noes, 4:

AYES—Messrs. Anderson, Baker, Berry, Bell, Burch, Chase, Dickinson, Ferguson of Sierra, Grant, Hamm, Hart, Johnson of El Dorado, Ketchum, Pacheco, Rogers, Soule, Sullivan, and Taliaferro—17.

NOES—Messrs. Allen, Garter, Merritt, and Phelps—4.

The chair decided the amendment lost, it requiring a majority of all senators elected.

The question being on the adoption of the following proposed amendment to section eight, of article one, of the constitution—

Section eight—No person shall be held to answer for a capital, or otherwise infamous crime, (except in cases of impeachment, and in case of militia, when in actual service, and the land and naval forces, in time of war, or which this state may keep, with the consent of Congress, in time of peace,) unless on presentment and indictment, by the proper authorities, and on any trial, in any court whatever, the party accused shall be allowed to appear and defend, in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy, for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.

Mr. Merritt offered the following as an amendment to the amendment:

Add "except for the construction of ditches and canals for mining purposes."

Lost.

The question being on the amendment, the roll was called, with the following result: Ayes, 5—noes, 14:

AYES—Messrs. Anderson, Baker, Melony, Rogers, and Soule—5.

NOES—Messrs. Berry, Burch, Bell, Carpenter, Garter, Goodwin, Gregory, Holden, Johnson of El Dorado, Merritt, Pacheco, Phelps, Sullivan, and Taliaferro—14.

EXCUSED—Mr. Johnson of Sacramento, was excused.

So the amendment was lost.

Question on the adoption of the following proposed amendment:

Article six of the constitution is amended so as to read as follows:

ARTICLE VI. *Judicial Department.*—Section one—The judicial power of this state shall be vested in a Supreme Court, in general courts, and in courts of justices of the peace. The Legislature may establish general

counts of exclusively criminal jurisdiction, and such municipal and other inferior courts of limited original jurisdiction, within any incorporated city, town or village, as they may deem necessary.

The roll was called, with the following result: Ayes, 11—noes, 11.

Ayes—Messrs. Andrews, Baker, Bell, Chase, Hamer, Hunt, Holden, Johnson of Sacramento, Johnson of St. Francis, Rogers, and Squire—11.

Noes—Messrs. Allen, Berry, Burd, Carpenter, Garton, Goodwin, Grant, Gregory, Merrill, Packard, and Sullivan—11.

So the amendment was lost.

Question on the adoption of the following amendment:

Section two.—The first Justices appointed after the adoption of this article, shall divide the State into districts composed from the districts of the general courts, to be as equally appraised as practicable, and subject to such alterations by the Legislature, from time to time, as the public good may require; for each of which a judge of the Supreme Court shall be chosen by the qualified electors in their respective districts, whose term of office shall be six years. Provided, that the first Legislature convened after the first election, under this section, shall, by a joint vote of both houses, classify them, that one shall be out of office every year, and provide, further, that the first terms of said supreme judges shall expire according to such classifications.

The roll was called, with the following result: Ayes, 8—noes, 14.

Ayes—Messrs. Johnson, Baker, Bell, Hamer, Holden, Johnson of Sacramento, Rogers, and Squire—8.

Noes—Messrs. Allen, Berry, Burd, Carpenter, Garton, Goodwin, Grant, Gregory, Hunt, Johnson of St. Francis, Merrill, Packard, and Sullivan—14.

PREVIOUS.—Mr. Kellogg desired voting.

So the amendment was lost.

Question on adopting the following amendment:

Section three.—The Supreme Court shall consist of a chief justice and four associate judges, and shall be composed of five judges elected as provided in the last section, and two of whom shall constitute a quorum. The judge elected the odd years of five years by the classification of the Legislature, as now provided, shall be the chief justice, after which the senior judge in commission shall be the chief justice.

Roll called, with the following result: Ayes, 12—noes, 9.

Ayes—Messrs. Andrews, Baker, Bell, Dickinson, Hamer, Holden, Johnson of Sacramento, Johnson of St. Francis, Merrill, Packard, Rogers, and Squire—12.

Noes—Messrs. Allen, Berry, Burd, Carpenter, Garton, Grant, Lewis, Salmon, and Tamm—9.

Amendment lost.

Mr. Anderson moved that the whole subject matter be indefinitely postponed.

Carried.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 21, 1858.

To the Senate of California:

I have, this day, approved an act for the relief of Hugh O'Donnell;

Also, an act to audit the claim of G. W. Ryckman;

Also, an act to audit certain claims;

Also, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, approved April 30, 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco;

Also, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25, 1857;

Also, an act to fix the salary of the district attorney of the county of Tehama;

Also, an act to allow Lindley Carson to sell certain real estate.

JOHN B. WELLER.

FURTHER SPECIAL ORDER.

Senate bill No. 150, an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26, 1856—

Mr. Griffith moved a call of the Senate.

Lost.

Mr. Merritt moved to indefinitely postpone.

Upon which, the ayes and noes were demanded by Messrs. Berry, Burch, and Pacheco, and taken, with the following result: Ayes, 15—noes, 7:

AYES—Messrs. Allen, Burch, Bell, Carpenter, Dickinson, Goodwin, Griffith, Holden, Johnson of Sacramento, Merritt, Melony, Phelps, Rogers, Soule, and Thom—15.

NOES—Messrs. Berry, Ferguson of Sierra, Garter, Grant, Johnson of El Dorado, Pacheco, and Sullivan—7.

DECLINED—Messrs. Hamm, Ketchum, and Lewis, declined voting.

So the bill was indefinitely postponed.

Mr. Burch gave notice of a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state arising from the late management and direction of the state prison, was taken up, and considered as in Committee of the Whole, and reported back, with amendments.

Mr. Carpenter in the chair.

IN SENATE.

Amendments of committee adopted.

Mr. Burch offered substitute for the bill.

President in the chair.

Mr. Bell moved to adjourn.

Lost.

The question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. Anderson, Burch, and Pacheco, and taken, with the following result: Ayes, 12—noes, 18:

AYES—Messrs. Anderson, Baker, Burch, Chase, Dickinson, Ferguson of Sierra, Gregory, Johnson of El Dorado, Pacheco, Phelps, Soule, and Sullivan—12.

NOES—Messrs. Allen, Berry, Carpenter, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Rogers, Taliaferro, and Thom—18.

So the Senate refused to adopt the substitute.

The question being on ordering Senate bill No. 166 engrossed, and to be read a third time, the ayes and noes were demanded by Messrs. Pacheco, Burch, and Baker.

Pending which, the following message was received from the Assembly:

ASSEMBLY CHAMBER, }
April 21, 1858. }

MR. PRESIDENT:—The Assembly, to-day, adopted the report of the committee of free conference on Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison:

Also, on yesterday, amended and passed Senate bill No. 166, an act making appropriations for the support of the civil government of the state, for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859, and ask the concurrence of the Senate.

J. NORMAN BINGAY, Assistant Clerk.

Senate bill No. 166, was, on motion of Mr. Griffith, recommitted to the Committee on Finance, with instructions to report to-morrow.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, amended and passed Senate bill No. 233, an act to grant the right of way to certain parties therein named, for a railroad track within the corporate limits of the city and county of San Francisco, and to run cars thereon, and ask the concurrence of the Senate.

J. NORMAN BINGAY, Assistant Clerk.

Senate bill No. 233 was, on motion of Mr. Soule, referred to the San Francisco delegation, with instructions to report to-morrow.

Mr. Thom offered the following amendment to Senate bill No. 260, under consideration:

Provided, That the said McCauley, or Estell, shall make a good and sufficient fee-simple title to the state, of the premises upon which the buildings stand, immediately in front of the east wall of the state prison, and are now in the possession of the authorities of the state.

Adopted.

The question recurring on ordering the bill engrossed, to be read a third time, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 21—noes, 7:

AYES—Messrs. Allen, Berry, Bell, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Rogers, Soule, Taliaferro, and Thom—21.

NOES—Messrs. Anderson, Baker, Burch, Dickinson, Johnson of El Dorado, Pacheco, and Sullivan—7.

Mr. Gregory moved that the Senate adjourn, to meet at ten o'clock, A. M., to-morrow, upon which the ayes and noes were demanded by Messrs. Merritt, Lewis, and Dickinson, and taken, with the following result: Ayes, 9—noes, 21:

AYES—Messrs. Burch, Dickinson, Gregory, Hamm, Holden, Johnson of El Dorado, Merritt, Rogers, and Soule—9.

NOES—Messrs. Anderson, Allen, Baker, Berry, Bell, Carpenter, Chase, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Griffith, Hart, Johnson of Sacramento, Ketchum, Lewis, Pacheco, Sullivan, Taliaferro, and Thom—20.

So the motion was lost.

FURTHER SPECIAL ORDER,

Senate bill No. 144, an act appropriating money for the support of the state prison, was, on motion of Mr. Melony, referred to a special committee of three.

FURTHER SPECIAL ORDER.

Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases—

Mr. Thom moved to adjourn.

Lost.

Mr. Gregory moved to recommit the bill to the Judiciary Committee, with instructions to report to-morrow.

Mr. Bell moved the previous question, which was sustained.

The question being "Shall the main question be now put?" was put, and carried.

The question being on recommitting the bill, with instructions, the ayes and noes were demanded by Messrs. Burch, Pacheco, and Gregory, and taken, with the following result: Ayes, 12—noes, 14:

AYES—Messrs. Berry, Burch, Dickinson, Garter, Gregory, Hamm, Johnson of El Dorado, Ketchum, Merritt, Pacheco, Phelps, and Sullivan—12.

NOES—Messrs. Allen, Baker, Bell, Chase, Ferguson of Sacramento, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Melony, Rogers, Soule, and Taliaferro—14.

So the Senate refused to recommit the bill.

The question being on the third reading of the bill, the ayes and noes

now mounted by Wm. Mathew, University College, and taken
with the following results: eyes 11-12 mm. H.

[illegible]

Notes—Mount Johnson, Indian River, Santa Fe National Monument, Santa Fe County, New Mexico, July 19, 1934 (J. H. Thompson, Jr.).

The species living in the gorges of the hills, the green and red were dominated by *Quercus*, *Malus*, *Salix*, and *Populus* of the mountain, and others with the following result: *Quercus* 70 percent.

1. *From Memory*, from Bill Clark, *Experiments in Mathematics*, 1960, p. 10. Reprinted by permission of the author. All rights reserved. Copyright © 1960 by Bill Clark. Printed in the United States of America.

Source: *Journal of U. S. Trade, Commerce, and Finance*—41

Dr. Thomas was listed as a representative of the very poor before

The authors of *Big Creek*: Beverly Hills, Dec. 10, 1975; 284, 322, and 323; 284 and 324-325. Many thanks for the critical review of this manuscript.

Dr. Anderson served as Editor Emeritus of the *Journal of Management Education* and as the President of the American Management Education Association.

the University of Tennessee Knoxville and the University of Tennessee at Knoxville.

The authors of this paper, the collection was carefully prepared.

The authors of *La Nación* and *Los Andes* were undoubtedly aware of the value, especially of an "open" newspaper, in allowing local political groups to air their views. However, *Los Andes* and *La Nación* were not the only newspapers in the country.

2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, 2025-2026, 2026-2027, 2027-2028, 2028-2029, 2029-2030, 2030-2031, 2031-2032, 2032-2033, 2033-2034, 2034-2035, 2035-2036, 2036-2037, 2037-2038, 2038-2039, 2039-2040, 2040-2041, 2041-2042, 2042-2043, 2043-2044, 2044-2045, 2045-2046, 2046-2047, 2047-2048, 2048-2049, 2049-2050, 2050-2051, 2051-2052, 2052-2053, 2053-2054, 2054-2055, 2055-2056, 2056-2057, 2057-2058, 2058-2059, 2059-2060, 2060-2061, 2061-2062, 2062-2063, 2063-2064, 2064-2065, 2065-2066, 2066-2067, 2067-2068, 2068-2069, 2069-2070, 2070-2071, 2071-2072, 2072-2073, 2073-2074, 2074-2075, 2075-2076, 2076-2077, 2077-2078, 2078-2079, 2079-2080, 2080-2081, 2081-2082, 2082-2083, 2083-2084, 2084-2085, 2085-2086, 2086-2087, 2087-2088, 2088-2089, 2089-2090, 2090-2091, 2091-2092, 2092-2093, 2093-2094, 2094-2095, 2095-2096, 2096-2097, 2097-2098, 2098-2099, 2099-2100, 2100-2101, 2101-2102, 2102-2103, 2103-2104, 2104-2105, 2105-2106, 2106-2107, 2107-2108, 2108-2109, 2109-2110, 2110-2111, 2111-2112, 2112-2113, 2113-2114, 2114-2115, 2115-2116, 2116-2117, 2117-2118, 2118-2119, 2119-2120, 2120-2121, 2121-2122, 2122-2123, 2123-2124, 2124-2125, 2125-2126, 2126-2127, 2127-2128, 2128-2129, 2129-2130, 2130-2131, 2131-2132, 2132-2133, 2133-2134, 2134-2135, 2135-2136, 2136-2137, 2137-2138, 2138-2139, 2139-2140, 2140-2141, 2141-2142, 2142-2143, 2143-2144, 2144-2145, 2145-2146, 2146-2147, 2147-2148, 2148-2149, 2149-2150, 2150-2151, 2151-2152, 2152-2153, 2153-2154, 2154-2155, 2155-2156, 2156-2157, 2157-2158, 2158-2159, 2159-2160, 2160-2161, 2161-2162, 2162-2163, 2163-2164, 2164-2165, 2165-2166, 2166-2167, 2167-2168, 2168-2169, 2169-2170, 2170-2171, 2171-2172, 2172-2173, 2173-2174, 2174-2175, 2175-2176, 2176-2177, 2177-2178, 2178-2179, 2179-2180, 2180-2181, 2181-2182, 2182-2183, 2183-2184, 2184-2185, 2185-2186, 2186-2187, 2187-2188, 2188-2189, 2189-2190, 2190-2191, 2191-2192, 2192-2193, 2193-2194, 2194-2195, 2195-2196, 2196-2197, 2197-2198, 2198-2199, 2199-2200, 2200-2201, 2201-2202, 2202-2203, 2203-2204, 2204-2205, 2205-2206, 2206-2207, 2207-2208, 2208-2209, 2209-2210, 2210-2211, 2211-2212, 2212-2213, 2213-2214, 2214-2215, 2215-2216, 2216-2217, 2217-2218, 2218-2219, 2219-2220, 2220-2221, 2221-2222, 2222-2223, 2223-2224, 2224-2225, 2225-2226, 2226-2227, 2227-2228, 2228-2229, 2229-2230, 2230-2231, 2231-2232, 2232-2233, 2233-2234, 2234-2235, 2235-2236, 2236-2237, 2237-2238, 2238-2239, 2239-2240, 2240-2241, 2241-2242, 2242-2243, 2243-2244, 2244-2245, 2245-2246, 2246-2247, 2247-2248, 2248-2249, 2249-2250, 2250-2251, 2251-2252, 2252-2253, 2253-2254, 2254-2255, 2255-2256, 2256-2257, 2257-2258, 2258-2259, 2259-2260, 2260-2261, 2261-2262, 2262-2263, 2263-2264, 2264-2265, 2265-2266, 2266-2267, 2267-2268, 2268-2269, 2269-2270, 2270-2271, 2271-2272, 2272-2273, 2273-2274, 2274-2275, 2275-2276, 2276-2277, 2277-2278, 2278-2279, 2279-2280, 2280-2281, 2281-2282, 2282-2283, 2283-2284, 2284-2285, 2285-2286, 2286-2287, 2287-2288, 2288-2289, 2289-2290, 2290-2291, 2291-2292, 2292-2293, 2293-2294, 2294-2295, 2295-2296, 2296-2297, 2297-2298, 2298-2299, 2299-2300, 2300-2301, 2301-2302, 2302-2303, 2303-2304, 2304-2305, 2305-2306, 2306-2307, 2307-2308, 2308-2309, 2309-2310, 2310-2311, 2311-2312, 2312-2313, 2313-2314, 2314-2315, 2315-2316, 2316-2317, 2317-2318, 2318-2319, 2319-2320, 2320-2321, 2321-2322, 2322-2323, 2323-2324, 2324-2325, 2325-2326, 2326-2327, 2327-2328, 2328-2329, 2329-2330, 2330-2331, 2331-2332, 2332-2333, 2333-2334, 2334-2335, 2335-2336, 2336-2337, 2337-2338, 2338-2339, 2339-2340, 2340-2341, 2341-2342, 2342-2343, 2343-2344, 2344-2345, 2345-2346, 2346-2347, 2347-2348, 2348-2349, 2349-2350, 2350-2351, 2351-2352, 2352-2353, 2353-2354, 2354-2355, 2355-2356, 2356-2357, 2357-2358, 2358-2359, 2359-2360, 2360-2361, 2361-2362, 2362-2363, 2363-2364, 2364-2365, 2365-2366, 2366-2367, 2367-2368, 2368-2369, 2369-2370, 2370-2371, 2371-2372, 23

Indeed, by that time, the Assembly, considering that our country is engaged in a struggle with our organization, suggested to our Vice President to write the program of our voluntary service in England, which consisted in being in the United States, that we wanted the right of appeal from the American Council's decision, giving the breakdown of human rights, which American Council's decision is not, by law, really that. And right of appeal to the Government in Washington, to submit to all those who are interested and to send it straight from there, especially aimed by the American government, their work, and progress.

the matter of the station, January 2nd, 1901, in violation of the provisions of the act will not be admitted as having a standing there, and, as will not admit of the transfer or removal of the same from the station.

By author of *The Highway*, this year's best-selling 128-page hardcover novel.

we consider the following method:

Added: That the work of the General Committee on Criminals shall be

allowed two additional assistant clerks from this date, and that the proper authorities be directed to audit and allow the claim of such assistant clerks for the time employed for their services as such clerks.

Mr. Allen, by unanimous leave, introduced a bill for an act to amend an act entitled an act to regulate fees in office in Yuba county, approved April 28, 1857.

Read first and second times.

On motion of Mr. Allen, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Ferguson of Sacramento moved to adjourn.

Mr. Burch offered the following amendment: "till to-morrow, at ten, A. M."

Accepted.

The ayes and noes were demanded by Messrs. Gregory, Allen, and Dickinson, and taken, with the following result: Ayes, 8—noes, 16:

AYES—Messrs. Burch, Ferguson of Sacramento, Grant, Gregory, Hamm, Hart, Holden, and Johnson of Sacramento—8.

NOES—Messrs. Anderson, Allen, Baker, Berry, Bell, Chase, Dickinson, Garter, Goodwin, Griffith, Johnson of El Dorado, Ketchum, Melony, Soule, Sullivan, and Taliaferro—16.

So the Senate refused to adjourn.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Sec'y Senate.

IN SENATE.

THURSDAY, April 22, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Journals of yesterday read and approved.

Mr. Baker presented the claims of Wells, Fargo & Co., and a post-office account.

Referred to the Committee on Contingent Expenses.

Mr. Johnson of El Dorado presented the account of the sergeant-at-arms.

Referred to the Committee on Contingent Expenses.

REPORTS.

Mr. Merritt, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly bill No. 422, entitled an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad, have had the same under consideration, and beg leave to report: That your committee don't know anything about the San

Dodge and Gila Stations Pacific and Atlantic Railroad, and therefore report the bill back to the Senate, without recommendation, and ask to be discharged from the further consideration of so pernicious a subject.

All of which is respectfully submitted.

MERRETT, Chairman.
SULLIVAN.
ISAAC ALLEN.
A. S. HART.

Report accepted, and, with bill, placed on the
The Committee on Education made the following report:

MR. PRESIDENT.—The undersigned members of the Committee on Education, to whom was referred Assembly bill No. 118, an act having the title as which the clerk of the Supreme Court shall be directed, have had the same under consideration, and report the bill back to the Senate, and recommend its passage.

G. F. HAMM
A. W. TALIAFERRO.

Report accepted.

On motion of Mr. Merrett, the rules were suspended, and bill read a third time.

The question being on the passage of the bill, the yeas and nays were demanded by Messrs. Chase, Baker, and Packard, and taken, with the following result: Yeas, 16—nays, 11.

YEAS—Messrs. Allen, Berry, Bartle, Bill, Chase, Goodrich, Grant, Gregory, Hume, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merrett, Sullivan, and Taliaferro—16.

NAYS—Messrs. Anderson, Bailey, Coombs, Dickinson, Ferguson of Sacramento, Ferguson of Santa Clara, Hume, Kimball, Mahony, Packard, Rogers, and Smith—11.

So the bill was passed.

Mr. Chase gave notice of a reconsideration of the vote just taken.

Mr. Johnson, chairman of the Finance Committee, made the following report:

MR. PRESIDENT.—Your committee, to whom was referred Assembly bill No. 181, an act to amend certain sections and of an act entitled an act to provide means for the support of the government of this state, from a bill to be levied and collected from through and limited years, are of the opinion, expressed April 29, 1867, have had the same under consideration, except the bill back to the Senate with amendments, recommending its passage, as amended.

Amended by striking out the third and fourth and the word "repealed," and inserting "supposed."

JOSEPH JOHNSON,
Chairman of Finance Committee.

There being no objection, the Secretary was directed to make the certification.

Mr. Lewis, chairman of the Engineering Committee, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state, arising from the late management and direction of the state prison;

Also, Senate bill No. 309, an act for the relief of Selah Russell;

Also, Senate bill No. 320, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state, passed April 29, 1851, and find the same correctly engrossed.

WM. T. LEWIS.

Report accepted, and, with bills, placed on file.

Mr. Johnson, chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses, have had the same under consideration, and report the bill back to the Senate, without amendment, recommending its passage.

JOSIAH JOHNSON,

Chairman of Committee on Finance.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, have had under consideration, the following accounts:

California Spirit of the Times newspaper,	-	-	-	-	-	\$2 00
M. H. Fowler, for paste,	-	-	-	-	-	10 50

And recommend payment from contingent fund.

Sacramento post-office for stamps and envelopes,	-	-	-	-	-	\$50 50
Alta Express Company,	-	-	-	-	-	50 00
Wells, Fargo & Co.,	-	-	-	-	-	50 00

And recommend payment out of the post-office fund.

BAKER, Chairman.

Report adopted.

Mr. Johnson of Sacramento, chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bill No. 363, an act to amend the one hundred and twelfth section of an act to provide revenue for the support of the government of this state, have had the same under consideration, report the bill back to the Senate, recommending its indefinite postponement.

JOSIAH JOHNSON,

Chairman of Finance Committee.

Report accepted, and, with bill, placed on file.

Mr. Bell, chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Assembly bill No. 238, entitled an act granting certain powers to the

board of education of the city and county of San Francisco, have had the same under consideration, and beg leave to report the same back to the Senate, and unanimously recommend its passage.

BELL, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Johnson made the following report :

MR. PRESIDENT:—The select committee to whom was referred Assembly bill No. 477, an act to amend an act entitled an act concerning the office of public administrator, in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 18, 1856, have had the same under consideration, and have instructed me to report the bill back to the Senate, recommending its passage.

JOSIAH JOHNSON.

Report accepted, and, with bill, placed on file.

Mr. Rogers made the following report :

MR. PRESIDENT:—The select committee to whom was referred Assembly bill No. 296, an act to separate the office of tax collector from that of sheriff, in the county of Tuolumne, beg leave to report the same back to the Senate, without any recommendation.

GEO. H. ROGERS.

Report accepted, and, with bill, placed on file.

Mr. Ketchum made the following report :

MR. PRESIDENT:—The special committee to whom was referred Assembly bill No. 274, an act concerning goods and merchandise contained in packages, and usually sold by weight, report that they have considered the same, and recommend its passage, after the adoption of the amendments herewith submitted.

L. N. KETCHUM, for the Committee.

Report accepted, and, with bill, placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—Your Committee on Enrolled Bills report that on the twenty-first day of April, 1858, at one o'clock, P. M., they presented to the Governor, for his approval, Senate bill No. 83, an act to repeal the act, passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento;

Also, that at half-past one o'clock, P. M., of the same day, they presented to the Governor, for his approval, the following bills, viz.: Senate bill No. 143, Senate bills Nos. 295, 328, 327, 302, 330, 303.

E. GARTER, Chairman.

Report accepted.

Mr. Soule made the following report :

MR. PRESIDENT:—A majority of the special committee, consisting of the San Francisco and San Mateo delegation, to whom was referred Senate

bill No. 233, have considered the same, and recommend the annexed amendments to the bill:

Amend as follows: Insert after the word "annum," in twelfth line of third section, "the first seven years, after which twelve per cent. per annum."

Strike out all after the words "passengers," in twelfth line of fourth section.

Add to section four the following: "*Provided*, That no railroad shall be built by authority of this act, without the consent of a majority of the board of supervisors of said city and county, which consent shall be evidenced by a resolution entered upon the journals of said board."

Strike out the words "twenty-five years," in second line of fifth section, and insert "fifteen years from the passage of this act."

SOULE,
SULLIVAN.

Mr. Grant made the following report:

MR. PRESIDENT:—The undersigned, of the committee to whom was referred Senate bill No. 233, an act to grant the right of way to certain persons therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon, has had the same under consideration, with the amendment to said bill, adopted by the Assembly, and recommends the concurrence of the Senate in such amendments, and the passage of the bill, as amended by the Assembly, without further amendment.

GILBERT A. GRANT,
Senator from San Francisco and San Mateo.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly, on the nineteenth instant, passed Assembly bill No. 304, an act to authorize and regulate the collection and settlement of poll-taxes;

Also, passed on the twenty-first instant, Assembly bill No. 478, an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, and the several acts amendatory of and supplementary thereto;

Also, same day, passed Assembly bill No. 481, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

And, also, same day, passed Assembly bill No. 431, an act supplementary to an act entitled an act to fund the debt of Sutter county, and provide for the payment thereof, passed May 17, 1853;

Also, passed, on the 21st inst., Senate bill No. 124, an act granting the right of way over certain lands in this state, in the counties of San Francisco and San Mateo;

Also, passed, with amendments, Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28th, and ask the concurrence of the Senate, to said amendments.

J. W. SCOBAY, Clerk.

APRIL 22, 1858.

On motion of Mr. Goodwin, Assembly bill No. 481, was taken up, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 304 was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 478 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 431 was read first and second times, and, on motion of Mr. Goodwin, the rules were suspended, read a third time, and passed.

Senate bill No. 151, was, on motion of Mr. Griffith, referred to the Committee on Commerce and Navigation.

Mr. Johnson of El Dorado moved to reconsider the vote by which Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, was indefinitely postponed.

Carried.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Dickinson, Baker, and Berry, and taken, with the following result: Ayes, 21—noes, 6:

AYES—Messrs. Anderson, Allen, Berry, Burch, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Sullivan, and Thom—21.

NOES—Messrs. Baker, Dickinson, Hamm, Holden, Phelps, and Soule—6.

So the bill was passed.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, the following Senate bills, to wit:

Bill No. 275, an act to provide for issuing arms and accoutrements to colleges for the use of the youth, and to prescribe the tactics to be used by them;

Also, bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857;

Also, bill No. 289, an act concerning the seventh judicial district, and the judge thereof;

Also, bill No. 314, an act to audit certain claims;

Also, bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county;

Also, bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning;

Also, bill No. 92, an act concerning county treasurers;

Also, bill No. 331, an act to authorize the board of supervisors in and for Butte county to issue the bonds of said county for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon road in said county, and provide for the payment of said bonds.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Assembly:

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly have, this day, passed Assembly bill No. 419, an act to amend an act entitled an act concerning the office of Secretary of State, passed May 15, 1854 ;

And, Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

J. W. SCOBEEY, Clerk.

Assembly bill No. 419 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 327 was first and second times, and referred to the Committee on Mines and Mining Interests.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, to-day, adopted Assembly concurrent resolution relative to collection of delinquent taxes from auctioneers, throughout the state, and ask the concurrence of the Senate.

J. NORMAN BINGAY, Assistant Clerk.

Assembly concurrent resolution adopted.

Mr. Gregory moved to reconsider the vote by which the Senate, on yesterday, passed Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases.

Upon which, the ayes and noes were demanded by Messrs. Gregory, Burch and Berry.

Mr. Ketchum moved a call of the Senate.

Lost.

The question being on reconsidering, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 15—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Dickinson, Ferguson of Sierra, Garter, Grant, Gregory, Hamm, Johnson of El Dorado, Merriott, Phelps, and Sullivan—15.

NOES—Messrs. Allen, Carpenter, Chase, Coulter, Ferguson of Sacramento, Goodwin, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, and Soule—14.

Mr. Griffith moved the previous question.

Sustained.

Mr. Burch moved to recommit, with the following instructions :

To insert a provision to this effect: " In case of a judgment against the plaintiff in an action for possession of land, if it shall afterwards appear that the plaintiff was entitled to the possession at the time of rendering such judgment, such plaintiff shall have his right of action against the defendant for costs and damages arising in the first action."

Pending which, Mr. Johnson, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—Your committee, to whom was referred the Assembly amendments to Senate bill No. 166, an act making appropriations for the support of the civil government of the state, for the tenth fiscal year,

commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859, have had the same under consideration, report the bill back, recommending that the Senate do not concur.

JOSIAH JOHNSON,
Chairman Finance Committee.

Report adopted.

Mr. Johnson, chairman of Finance Committee, made the following report :

MR. PRESIDENT :—Your committee to whom was referred Senate bill No. 287, an act to fix the compensation of the collector of foreign miners' licenses in the county of Siskiyou, have had the same under consideration, and report the bill back to the Senate, recommending its indefinite postponement.

JOSIAH JOHNSON,
Chairman of Finance Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 22, 1858. }

To the Senate of California :

I have, this day, approved an act to audit the claim of John Dall ;

Also, an act to audit the claim of Samuel Warren ;

Also, an act to audit certain claims ;

Also, an act to audit certain claims ;

Also, an act to empower the board of supervisors and auditor of the city and county of San Francisco to allow and audit certain claims therein mentioned ;

Also, an act amendatory of and supplementary to an act entitled an act to incorporate the town of Oroville, approved March 14th, 1857 :

Also, an act for the incorporation of water companies ;

Also, an act amendatory of the act entitled an act to incorporate Crescent City, passed April 13th, 1854, and to repeal section two of the act approved April 21st, 1857, amendatory of said act of April 13th, 1854.

I also approved, on yesterday, an act for the relief of John C. Gordon.

JOHN B. WELLER.

Consideration of Senate bill No. 106 resumed.

The question being on recommitting, with instructions, the ayes and noes were demanded by Messrs. Gregory, Berry, and Burch, and taken, with the following result : Ayes, 12—noes, 16 :

AYES—MESSRS. Anderson, Baker, Berry, Burch, Dickinson, Ferguson of Sierra, Garter, Gregory, Hamm, Johnson of El Dorado, Phelps, and Sullivan—12.

NOES—MESSRS. Allen, Bell, Carpenter, Chase, Coulter, Ferguson of Sacramento, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, Rogers, and Soule—16.

So the motion was lost.

Mr. Holden moved the previous question, which was not sustained.

Mr. Phelps moved to recommit, with the following proviso, which was lost :

Provided, All suits, under the provisions of this act, shall be brought within one year after the final rejection or location of the grant, except for lands heretofore rejected or located, which shall be brought within one year after the passage of this act.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Gregory, and Rogers, with the following result : Ayes, 15—noes, 11.

Mr. Burch moved a call of the Senate.

Lost.

Roll called.

AYES—Allen, Bell, Carpenter, Coulter, Ferguson of Sacramento, Goodwin, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, and Rogers—15.

NOES—Anderson, Baker, Burch, Dickinson, Garter, Grant, Gregory, Hamm, Johnson of El Dorado, Phelps, and Sullivan—11.

So the bill was passed.

GENERAL FILE.

Senate bill No. 320, an act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of this state, passed April 29th, 1851, was read a third time, and passed.

Senate bill No. 309, an act for the relief of Selah Russell, was read third time, and passed.

Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state arising from the late management and direction of the state prison—

Mr. Carpenter moved a call of the Senate.

Carried.

Roll called, and sergeant-at-arms dispatched for absentees.

Messrs. Allen, Baker, and Pacheco, appearing at the bar of the Senate, were admitted.

Mr. Carpenter in the chair.

On motion of Mr. Johnson of El Dorado, further proceedings under the call were dispensed with.

The president resumed the chair.

Mr. Gregory offered a substitute.

Upon which, the ayes and noes were demanded by Messrs. Burch, Johnson of El Dorado, and Gregory, and taken, with the following result : Ayes, 12—noes, 19 :

AYES—Messrs. Anderson, Baker, Burch, Bell, Coulter, Dickinson, Gregory, Hamm, Johnson of El Dorado, Ketchum, Pacheco, and Sullivan—12.

NOES—Messrs. Allen, Berry, Carpenter, Chase, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Phelps, Rogers, Soule, Taliaferro, and Thom—19.

So the motion was lost.

Mr. Smith moved to amend the bill, with instructions to the committee to report the bill as amended, so that Mr. Long and Smith's share in the profits of the mine.

Following consideration by members of Mr. Frank's Social Subject matter was laid on the table temporarily, and the following report of 1907-1908 was taken up:

Mr. FORTNEY — Your special committee, to whose report I referred Sunday, Nov. 14, continued its labors by appointing a subcommittee for the purpose of the study of the report and the same under consideration. I will respectfully request that notice be given to the Senate, with a statement and explanation of the situation and progress of the subcommittee.

MANY
 THINGS
 ARE

bill ordered engrossed, to be read a third time.

The following is a list of the members of the Association:

Mr. Fessenden.—The Assembly today passed three bills which have already been introduced in the Senate, and which will have the support of the Anti-Slavery Committee of the House. The first bill, passed, is for the purpose of abolishing the slave trade in the District of Columbia, and the second bill is for the purpose of abolishing the slave trade in the District of Columbia, and the third bill is for the purpose of abolishing the slave trade in the District of Columbia.

W. D. McLaughlin, Assistant Clerk

Senate bill No. 141, an act to amend the laws relating to the State and to amend the laws relating to the State, and to amend the laws relating to the State, and to amend the laws relating to the State.

12. *Explain the importance of the following factors in the development of a country's economy:*

Major, and Bard.

1975-1976

Supplies 445 No. 226 are not in addition to what is authorized to be withdrawn from the appropriation to be set aside for use in supporting the International Joint Commission during its first year, passed May 18, 1914. Appropriation March 6, 1917, was supplementary thereto.

May 6, 1924 was indistinctly recognized.

Assembly, 1890, and, as far as the other provisions of chapters 1 and 2, mechanics, and other workmen—

Next, the eyes of the blindfolded person on the left.

Upper eyelid: two eyes, and nose were identified by Master Scale, Master and Baker, and Baker, with the following results: Eyes 2—ears 5.

[illegible]

[Faint, illegible handwritten notes]

So the bill was indefinitely postponed.

Mr. Berry gave notice of a reconsideration of the vote just taken.

Mr. Melony moved to take from the table Senate concurrent resolution No. 43, granting to the resident physician of the insane asylum leave of absence for six months.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Melony, and Anderson, and taken, with the following result: Ayes, 20—noes, 11:

AYES—Messrs. Allen, Burch, Bell, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, and Taliaferro—20.

NOES—Messrs. Anderson, Baker, Berry, Carpenter, Goodwin, Johnson of Sacramento, Pacheco, Phelps, Soule, Sullivan, and Thom—11.

Mr. Grant moved to amend by striking out all after the word "absence."

Carried.

Mr. Goodwin moved to indefinitely postpone the resolution.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Grant, and Burch, and taken, with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Gregory, Griffith, Johnson of Sacramento, Ketchum, Pacheco, Phelps, Soule, Sullivan, and Thom—18.

NOES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Grant, Hamm, Holden, Johnson of El Dorado, Lewis, Merritt, Melony, and Rogers—12.

So the resolution was indefinitely postponed.

Mr. Merritt moved to take from the table the petition of the Sisters of Mercy, and refer the same to a special committee of three, with instructions to report a bill, paying the amount due by the state, in accordance with the prayer of said petition.

Carried.

Mr. Griffith offered the following resolution:

Resolved, That the sergeant-at-arms of the Senate be allowed the sum of one hundred dollars, for post-office stamps and envelopes, to be paid out of the contingent fund.

Adopted.

The chair announced as special committee, to whom was referred petition of Sisters of Mercy, Messrs. Merritt, Soule, and Thom.

Mr. Merritt offered the following resolution:

Resolved, That hereafter no senator shall be allowed to speak longer than five minutes on any question, without leave from two-thirds of the senators present.

Adopted.

On motion of Mr. Gregory, Senate bill No. 291, an act to legalize and

confirm certain orders of the board of supervisors of Monterey county, and of Merced county, granting a charter to Andrew A. Firebaugh to construct a turnpike road through Pacheco's Pass, in said counties, and to collect tolls thereon, was taken from the table.

Substitute adopted, and, on motion of Mr. Gregory, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, concurred in Senate amendments to Assembly bill No. 427, an act concerning roads and highways in and for the counties of Tuolumne and Alameda;

Also, passed Senate bill No. 346, an act to amend an act entitled an act to regulate fees in office in Yuba county, approved April 28, 1857;

Also, passed Senate bill No. 332, an act to provide for the sale of certain property of the state of California, within the water-line front of the city and county of San Francisco;

Also, have amended and passed Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco, to execute certain deeds, and cancel certain claims, and respectfully ask the Senate to concur in the amendments;

Also, passed Assembly bill No. 332, an act to audit the claim of Adam Schuppert;

Also, have concurred in Senate amendments to Assembly bill No. 290, an act for the relief of the county of Santa Barbara;

Also, have amended and passed Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co., and ask the concurrence of the Senate.

J. NORMAN BINGAY, Ass't Clerk.

Senate bill No. 13, amendments of Assembly concurred in.

Senate bill No. 335, Senate refused to concur in amendments of Assembly.

Assembly bill No. 332 was read first and second times, and referred to the Committee on Claims.

On motion of Mr. Goodwin, Senate bill No. 260, laid temporarily on the table, was taken up.

The question being on recommitting, with the instructions offered by Mr. Soule, the ayes and noes were demanded by Messrs. Burch, Anderson, and Berry, and taken, with the following result: Ayes, 11—noes, 19:

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Gregory, Johnson of El Dorado, Ketchum, Pacheco, Soule, and Sullivan—11.

NOES—Messrs. Allen, Bell, Carpenter, Chase, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Melony, Rogers, Taliaferro, and Thom—19.

So the motion was lost.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Burch, Anderson, and Berry, and taken, with the following result: Ayes, 19—noes, 12:

AYES—Messrs. Allen, Berry, Bell, Chase, Coulter, Dickinson, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Rogers, Taliaferro, and Thom—19.

NOES—Messrs. Anderson, Baker, Burch, Carpenter, Ferguson of Sierra, Gregory, Johnson of El Dorado, Ketchum, Melony, Pacheco, Soule, and Sullivan—12.

Mr. Dickinson gave notice of a reconsideration of the vote just taken.

Mr. Garter, chairman of the Enrolling Committee, made the following report :

MR. PRESIDENT :—The Senate Enrolling Committee have examined Senate bill No. 124, an act granting the right of way over certain lands in this state, in the counties of San Francisco and San Mateo, and find it correctly enrolled.

E. GARTER,
Chairman Enrolling Committee.

On motion of Mr. Thom, Assembly concurrent resolution, relative to printing the laws in the Spanish language, was taken from file, and adopted.

Mr. Burch offered the following resolution :

Resolved, That the assistant sergeant-at-arms of the Senate be allowed for services rendered this session, the same *per diem* as is now allowed by law to the sergeant-at-arms, to be paid out of the contingent fund of the Senate.

Mr. Carpenter moved to indefinitely postpone.

Upon which, the ayes and noes were demanded by Messrs. Baker, Carpenter, and Gregory.

Mr. Burch moved a call of the Senate.

Lost.

Motion being on the indefinite postponement of the resolution, the ayes and noes having been demanded, the roll was called, with the following result : Ayes, 13—noes, 10.

AYES—Messrs. Anderson, Allen, Baker, Berry, Carpenter, Coulter, Dickinson, Gregory, Holden, Johnson of Sacramento, Ketchum, Rogers, and Soule—13.

NOES—Messrs. Burch, Bell, Ferguson of Sacramento, Ferguson of Sierra, Lewis, Merritt, Melony, Phelps, Sullivan, and Taliaferro—10.

So the resolution was indefinitely postponed.

Mr. Carpenter offered the following resolution, which was adopted :

Resolved, That on and after five o'clock, p. m., of the 24th inst., no legislative business shall be transacted, except to act upon Executive and Assembly messages.

Mr. Burch offered the following resolution :

Resolved, That when we adjourn to-day, we adjourn to meet at ten o'clock, A. M., to-morrow.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Johnson of El Dorado, and Burch, and taken, with the following result : Ayes, 15—noes, 14 :

AYES—Messrs. Allen, Baker, Burch, Carpenter, Coulter, Dickinson, Greer, Gregory, Hart, Holden, Johnson of El Dorado, Merritt, Phelps, and Rogers—14.

AYES—Messrs. Anderson, Berry, Bell, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamon, Johnson of Sacramento, Ketchum, Melony, Patterson, Peck, Sullivan, Tallantire, and Thayer—14.

There being a tie vote, the president voted in the affirmative.

So the resolution was adopted.

Mr. Ketchum offered the following concurrent resolution, which was adopted:

CONCURRENT RESOLUTION AUTHORIZING AND RECOMMENDING THE SECRETARY OF STATE TO FURNISH MEMBERS OF THE LEGISLATURE WITH THE COPIES OF SENATE AND ASSEMBLY JOURNALS, AND DEBATES, LAWS, AND DEBATES IN CONVENTION, FOR THE USE OF COUNTY LIBRARIES.

Resolved, By the Senate, the Assembly concurring, that the Secretary of State be and he is hereby authorized to furnish members of the Legislature with copies of Senate and Assembly Journals, with accompanying appendices of past sessions of the California Legislature, also copies of state laws and debates in Convention for the use of public libraries in the respective counties in this state, *Provided*, that nothing in this resolution shall prevent the Secretary of State from retaining a sufficient number of the aforesaid copies that may be by him deemed necessary for the use of the state library.

On motion of Mr. Ferguson of Sacramento, the Judiciary Committee were instructed to report back to the Senate on tomorrow, Assembly Bill No. 396.

SPECIAL ORDER OF THE DAY.

An act in relation to a sea wall or bulk head in the city and county of San Francisco, was, on motion of Mr. Grant, laid on the table.

FURTHER SPECIAL ORDER.

Assembly Bill No. 492 an act to prevent the further immigration of Chinese and Mongolians to this state.

Mr. Bell moved to make the bill the special order of the day for to-morrow, Friday, April 23, at two o'clock, p. m.

The Merritt moved a call of the Senate.

Lost.

Question recurring on Mr. Bell's motion. The yeas and nays were demanded by Messrs. Merritt, Melony, and Hamon, and taken, with the following result: *Ayes*, 2—*nays*, 12.

AYES—Messrs. Bell, Grant, Johnson of Sacramento, Pacheco, Phelps, Peck, Sullivan, and Thayer—3.

AYES—Messrs. Burch, Berry, Carpenter, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Gregory, Griffith, Hamon, Hart, Holden, Johnson of El Dorado, Ketchum, Lawin, Merritt, Melony, Rogers, and Tallantire—12.

So the motion was lost.

The bill was then considered as in Senate.

Mr. Johnson of Sacramento moved to strike out "October, 1858," and insert "April, 1859."

Mr. Merritt moved the previous question.

Sustained.

Question, being "Shall the main question be now put?" was put, and carried.

Question being upon the adoption of the amendment offered by Mr. Johnson, the ayes and noes were demanded by Messrs. Griffith, Pacheco, and Johnson of Sacramento, and taken, with the following result: Ayes, 10—noes, 15:

AYES—Messrs. Bell, Grant, Griffith, Johnson of Sacramento, Pacheco, Phelps, Soule, Sullivan, Taliaferro, and Thom—10.

NOES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Coulter, Dickinson, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, and Rogers—15.

So the amendment was lost.

The bill was then read a third time.

Question being on the passage of the bill, the ayes and noes were demanded by Messrs. Bell, Pacheco, and Johnson of Sacramento: Ayes, 15—noes, 10:

AYES—Messrs. Anderson, Baker, Berry, Burch, Carpenter, Coulter, Dickinson, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Rogers—15.

NOES—Messrs. Bell, Grant, Johnson of Sacramento, Melony, Pacheco, Phelps, Soule, Sullivan, Taliaferro, and Thom—10.

So the bill was passed.

Mr. Griffith gave notice of a reconsideration of the vote just taken.

Mr. Griffith gave notice of a reconsideration of the vote by which the Senate passed Senate bill No. 260.

Mr. Soule gave notice of a reconsideration of the vote by which the Senate indefinitely postponed the resolution relative to the assistant sergeant-at-arms.

Mr. Bell offered the following concurrent resolutions:

Resolved, By the Senate, the Assembly concurring, that our senators in Congress be instructed, and our representatives requested, to use their best endeavors for the purpose of securing the passage of a general bankrupt law.

Resolved, That his Excellency the Governor be requested to send a copy of these resolutions to each of our senators and representatives in Congress.

Mr. Baker moved to indefinitely postpone the resolution, upon which, the ayes and noes were demanded by Messrs. Bell, Baker, and Phelps, and taken, with the following result: Ayes, 21—noes, 4:

AYES—Messrs. Baker, Berry, Burch, Carpenter, Coulter, Dickinson, Grant, Gregory, Hamm, Holden, Johnson of Sacramento, Johnson of El

Dorado, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, Taliaferro, and Thom—21.

NOES—Messrs. Anderson, Bell, Griffith, and Sullivan—4.

So the resolution was lost.

On motion of Mr. Gregory, Senate bill 223, an act to grant to Henry De Grow, sheriff of Monterey county, leave of absence from the state, was taken from the table, and, on motion of Mr. Gregory, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Johnson of El Dorado, Senate bill No. 339, an act to pay the State Treasurer for extra services, was taken from the file, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Soule, and Johnson of El Dorado, and taken, with the following result: Ayes, 19—noes, 9:

AYES—Messrs. Baker, Burch, Bell, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, Sullivan, Taliaferro, and Thom—19.

NOES—Messrs. Anderson, Berry, Carpenter, Coulter, Dickinson, Griffith, Hart, Phelps, and Soule—9.

So the bill was passed.

Mr. Carpenter moved to reconsider the vote by which the Senate passed Senate bill No. 345, an act to amend an act to provide for the incorporation of railroad companies, passed April 22d, 1853, and an act amendatory thereof, passed April 14th, 1856, upon which, the ayes and noes were demanded by Messrs. Berry, Burch, and Carpenter, and taken, with the following result: Ayes, 8—noes, 21:

AYES—Messrs. Anderson, Burch, Carpenter, Dickinson, Garter, Griffith, Johnson of El Dorado, and Ketchum—8.

NOES—Messrs. Baker, Berry, Bell, Coulter, Ferguson of Sacramento, Grant, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Pacheco, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—21.

So the motion was lost.

Mr. Holden moved to adjourn.

Lost.

On motion of Mr. Lewis, Senate bill No. 315, an act for the relief of Hamilton Bowie, was taken from the file, and considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of committee adopted.

On motion of Mr. Grant, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Grant moved to take from the file, Senate bill No. 233, an act to

grant the right of way to certain persons therein named, for a railway track, within the corporate limits of the city and county of San Francisco, and to run cars thereon.

Carried.

Amendments made by Assembly were concurred in, except the amendments to section five.

Senate refused to concur in the committee amendment to the Assembly amendment to section five.

Question on concurring in Assembly amendment to section five, the ayes and noes were demanded by Messrs. Merritt, Soule, and Gregory, and taken, with the following result: Ayes, 18—noes, 7:

AYES—Messrs. Anderson, Allen, Berry, Burch, Coulter, Ferguson of Sacramento, Garter, Grant, Griffith, Hamm, Hart, Holden, Ketchum, Lewis, Merritt, Melony, Soule, and Taliaferro—18.

NOES—Messrs. Baker, Carpenter, Dickinson, Gregory, Johnson of Sacramento, Johnson of El Dorado, and Sullivan—7.

So the amendment was adopted.

Mr. Soule gave notice of a reconsideration of the vote just taken.

Mr. Burch moved to reconsider the vote by which the Senate indefinitely postponed Senate bill No 150, an act to repeal an act entitled an act for the protection of actual settlers, and to quiet land titles in this state, approved March 26, 1856.

Mr. Melony moved a call of the Senate.

Lost.

The question being on the motion to reconsider, the ayes and noes were demanded by Messrs. Ferguson of Sacramento, Gregory, and Burch, and taken, with the following result: Ayes, 8—noes, 13:

AYES—Messrs. Berry, Burch, Garter, Grant, Gregory, Hamm, Soule, and Sullivan—8.

NOES—Messrs. Bell, Carpenter, Coulter, Ferguson of Sacramento, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, and Phelps—13.

So the Senate refused to reconsider.

On motion of Mr. Bell, the Senate adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

FRIDAY, April 23, 1858.

Senate met pursuant to adjournment.

President in the chair.

The roll was called.

Journals of yesterday read and approved.

Mr. Baker presented sundry claims, which were referred to the Committee on Contingent Expenses.

REPORTS.

The Committee on Public Lands made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 267, for an act to protect certain property of the state, have had the same under consideration.

The bill proposes to appropriate three thousand dollars for the improvement of the public square belonging to the state.

The committee are of the opinion that the title to said property cannot be invalidated by a failure to take possession of and improve said property, as required by the bill, hence the state will not be sufficiently benefited to warrant the appropriation of the three thousand dollars, and therefore the committee recommend the indefinite postponement of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

The Committee on Public Lands made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom were referred the message of his Excellency the Governor, in relation to the survey of Mexican grants, and concurrent resolution No. 55, upon the same subject, have had the same under consideration, and I am instructed to report the same to the Senate, with amendments, and recommend the passage of the same, as amended.

In the sixth line of the resolution strike out "secure" and insert "procure."

Second—after "supposed" in the tenth line, insert "when settled upon."

Third—Strike out all after "grants," in seventeenth line, to "appeal," in the twenty-first line.

In same line before "appeal" insert "to."

HOLDEN, Chairman.

Report accepted, and, with message and resolution, placed on file.

The Committee on Claims made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Assembly bill No. 223, an act for the relief of Luther Laird & Co., have directed me to report the same back, with the following substitute, and recommend the passage of said substitute;

Also, Assembly bill No. 332, an act to audit the claim of Adam Schuppert, have directed me to report the same back, without recommendation.

W. B. DICKINSON, for Committee.

Report accepted, and, with bills, placed on file.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the 22d day of April, 1858, at half-past twelve o'clock, P. M., presented to the Governor, for his approval, the following bills, viz.:

Senate bill No. 331, an act to authorize the board of supervisors in and

for Butte county to issue the bonds of said county for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon roads in said county, and to provide for the payment of said bonds;

Also, Senate bill No. 10, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning;

Also, Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857;

Also, Senate bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county;

Also, Senate bill No. 92, an act concerning treasurers;

Also, Senate bill No. 289, an act concerning the seventh judicial district, and the judge thereof;

Also, Senate bill No. 314, an act to audit certain claims;

Also, Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies for the use of the youth, and to prescribe the tactics to be used by them;

Also, on the same day, at four o'clock, P. M., Senate bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo.

E. GARTER, Chairman.

Report accepted.

Mr. Chase, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 334, an act for the relief of John C. Hays, ex-sheriff of San Francisco county, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

S. H. CHASE, Chairman.

On motion of Mr. Merritt, the rules were suspended, substitute adopted, bill considered engrossed, read a third time, and passed.

Mr. Lewis, chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 144, an act appropriating money for the support of the state prison, and find the same correctly engrossed.

WM. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

The minority of the Committee on Public Lands made the following report:

MR. PRESIDENT:—The undersigned, of the Committee on Public Lands, to whom was referred Senate concurrent resolution No. 42, instructing our senators in Congress, and requesting our representatives to use their influence to procure the passage of an act by Congress, granting appeals

sion of lands, in certain cases, in this state, and for the protection of settlers, have had the same under consideration, and report the same back, without amendment, Messrs. Chase, Griffith, and Goodwin, being in favor of the passage of the bill, and Messrs. Grant, Burch, and Gregory, against it.

Report accepted, and, with bill, placed on file.

Mr. Grant made the following report :

MR. PRESIDENT :—The undersigned, of the Committee on the Judiciary, have had under consideration Assembly bill No. 306, an act to provide for the recovery of the possession of lands, in certain cases, in this state, and for the protection of settlers, and recommend that the same be indefinitely postponed by the Senate.

The undersigned are opposed to the whole class of legislation to which this bill belongs, for the following, among other reasons :

It is, in the opinion of the undersigned, calculated to deceive and mislead a large and worthy class of our citizens, in relation to their own rights, and the powers of the government of this state.

It promotes litigation, which is fruitless of good results, either to the settler, or to the grantees of Spain and Mexico, and renders more distant the day for the settlement of land titles, and the repose and permanent prosperity of our people, who are engaged in the peaceful trade of husbandry.

It interferes with the legitimate exercise of the powers of the general government, in the execution of public treaties, and has a tendency to bring on a conflict of judicial opinion, if not of material force, between the government of the Union, and the government of this state.

It affects the good fame of our legislation, in distant states, and thereby has a tendency to impeach the honor and good faith of our state and people, injuring the credit of both.

The undersigned, for these and other reasons, of much force, and believing it to be better to rely upon the laws of Congress, and of this state, already in force, upon the subject, repeat their recommendation, that said Assembly bill No. 306 be indefinitely postponed.

GILBERT A. GRANT,
D. S. GREGORY,
JOHN. C. BURCH.

Report accepted, and filed, with the previous report, and bill.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Committee on Enrolled Bills have examined and find correctly enrolled, the following Senate bills, to wit :

Bill No. 170, an act amendatory of and supplementary to an act entitled an act to regulate fees in office, approved April 10th, 1855 ;

Also, bill No. 306, an act amendatory of and supplementary to an act approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22d, 1850 ;

Also, bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29th, 1857 ;

Also, bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison ;

Also, bill No. 333, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28th, 1857;

Also, bill No. 270, an act defining the legal distances from each county seat, to the capitol, lunatic asylum, and state prison;

Also, bill No. 142, an act to amend an act entitled an act to provide revenue for the support of government of this state, passed May 15th, 1854;

E. GARTER, Chairman.

Mr. Anderson, by leave, introduced a bill for an act making additional appropriations for deficiencies in appropriations heretofore made for pay of officers and clerks of the Senate, for the ninth fiscal year.

Which was read first and second times, and on motion of Mr. Anderson, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Ferguson of Sacramento, chairman of the Committee on Commerce and Navigation, made the following report on Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855:

That the committee find the Assembly amendments immaterial and not affecting the provisions of the bill.

Report accepted, and, with bill, placed on file.

Mr. Merritt, according to instructions, introduced a bill for an act for the relief of Mary B. Russell, superior of the Sisters of Mercy, which was read first and second times.

Mr. Merritt moved to suspend the rules, and consider the bill engrossed, and to be read a third time.

Mr. Gregory moved to refer the bill to the Committee on Claims.

Lost.

Question being on Mr. Merritt's motion, was put, and carried.

The bill was then considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Gregory, Merritt, and Baker, and taken with the following result: Ayes, 22—noes, 3:

AYES—Messrs. Anderson, Baker, Berry, Bell, Carpenter, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Soule, Sullivan, and Thom—22.

NOES—Messrs. Dickinson, Gregory, and Pacheco—3.

So the bill was passed.

Mr. Baker gave notice of a reconsideration of the vote just taken.

Mr. Soule also gave notice.

Mr. Griffith reported back, verbally, Assembly bill No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the cañon, in Sacramento Valley, recommending its passage.

Report accepted, and, on motion of Mr. Griffith, the rules were suspended, bill read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 23, 1858. }

To the Senate of California :

I have, this day, approved an act to audit and allow certain claims ;

Also, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county ;

Also, an act to provide for issuing arms and accoutrements to colleges and academics, for the use of the youth, and to prescribe the tactics to be used by them ;

Also, an act concerning the seventh judicial district, and the judge thereof ;

Also, an act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning ;

Also, an act to authorize the board of supervisors, in and for the county of Butte, to issue the bonds of said county for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon roads in said county, and to provide for the payment of said bonds ;

Also, an act to audit the claim of H. and W. P. Gibbons ;

Also, an act amendatory of an act entitled an act to declare Feather River navigable, passed March 14, 1857.

JOHN B. WELLER.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled "an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853," approved April 28, 1857, by the requisite constitutional majority, notwithstanding the objections of the Governor.

J. W. SCOBEEY, Clerk.

Message and bill placed on file.

Mr. Griffith, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 260, an act for the indemnity of John F. McCauley, and for the settlement and discharge of claims against the state, arising from the late management and direction of the state prison.

Mr. Anderson moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Baker, Ferguson of Sierra, Chase, Melony, and Rogers.

Mr. Merritt in the chair.

Sergeant-at-arms dispatched for absentees.

Messrs. Baker, Ferguson of Sierra, and Chase, appearing at the bar, were admitted.

On motion of Mr. Phelps, further proceedings under the call were dispensed with.

Mr. Anderson moved to lay the motion to reconsider on the table.

Lost.

The question recurring on reconsidering the vote, the ayes and noes

were demanded by Messrs. Soule, Thom, and Gregory, and taken, with the following result: Ayes, 13—noes, 17:

AYES—Messrs. Anderson, Baker, Burch, Carpenter, Dickinson, Ferguson of Sierra, Gregory, Griffith, Johnson of El Dorado, Ketchum, Pacheco, Soule, and Sullivan—13.

NOES—Messrs. Allen, Berry, Chase, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Hamm, Hart, Holden, Johnson of Sacramento, Lewis, Merritt, Phelps, Taliaferro, and Thom—17.

So the Senate refused to reconsider.

The president resumed the chair.

Mr. Soule moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed resolution relative to allowing the assistant sergeant-at-arms extra pay.

Upon which, the ayes and noes were demanded by Messrs. Carpenter, Baker, and Soule, and taken, with the following result: Ayes, 15—noes, 12:

AYES—Messrs. Berry, Burch, Ferguson of Sacramento, Garter, Grant, Griffith, Hamm, Hart, Johnson of El Dorado, Lewis, Merritt, Phelps, Sullivan, Taliaferro, and Thom—15.

NOES—Anderson, Allen, Baker, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sierra, Gregory, Johnson of Sacramento, Ketchum, and Soule—12.

DECLINED—Messrs. Goodwin and Pacheco declined voting.

So the vote was reconsidered.

Mr. Burch offered a substitute for the resolution.

Adopted.

Mr. Anderson offered an amendment to the substitute.

Lost.

The question being on the passage of the resolution, the ayes and noes were demanded by Messrs. Anderson, Baker, and Carpenter, and taken, with the following result: Ayes, 9—noes, 18:

AYES—Messrs. Burch, Bell, Chase, Ferguson of Sacramento, Garter, Hamm, Lewis, Merritt, and Taliaferro—9.

NOES—Messrs. Anderson, Allen, Baker, Berry, Carpenter, Coulter, Dickinson, Ferguson of Sierra, Gregory, Griffith, Hart, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Phelps, Rogers, Soule, and Sullivan—18.

So the resolution was rejected.

Mr. Chase moved to reconsider the vote by which the Senate passed Assembly bill No. 458, an act fixing the time at which the clerk of the Supreme Court shall be elected.

Upon which, the ayes and noes were demanded by Messrs. Anderson, Chase, and Carpenter, and taken, with the following result: Ayes, 13—noes, 15:

AYES—Messrs. Anderson, Baker, Carpenter, Chase, Coulter, Dickinson, Ferguson of Sacramento, Griffith, Hart, Ketchum, Pacheco, Rogers, and Soule—13.

NOES—Messrs. Allen, Berry, Burch, Bell, Garter, Goodwin, Gregory,

Hamm, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Sullivan, Taliaferro, and Thom—15.

DECLINED—Messrs. Ferguson of Sierra, Grant, and Phelps, declined voting.

Mr. Chase, by leave, introduced a bill for an act to extend the time for making the assessment and collection of taxes in the county of Nevada, which was read first and second times, and, on motion of Mr. Chase, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have considered the account of the Union Democrat newspaper, \$27 ;

And, the account of J. W. Hawkins, for freight paid upon the transportation of public documents from state library, \$9 75 ;

Sacramento post-office account of stamps and envelopes, \$45 90 ;

And recommend payment out of the post-office fund.

BAKER, Chairman.

Report accepted, and recommendation of committee adopted.

Mr. Baker, chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have had under consideration the claim of the sergeant-at-arms of the Senate, for the arrest of senators, under a call of the Senate, and have agreed to reject the claim, for the reason that the fortieth rule of the Senate expressly provides that no other fees shall be allowed the sergeant-at-arms, beyond his *per diem* and actual expenses.

BAKER, Chairman.

GENERAL FILE.

Senate bill No. 144, an act appropriating money for the support of the state prison, was read a third time, and on motion of Mr. Carpenter, the bill was laid on the table.

Senate bill No. 322, an act to audit the claim for services and expenses of Edward F. Beale—

Mr. Johnson of El Dorado, moved to suspend the rules, consider bill engrossed, to be read a third time

Upon which, the ayes and noes were demanded by Messrs. Merritt, Anderson, and Baker, and taken, with the following result :

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Dickinson, Ferguson of Sacramento, Garter, Grant, Hamm, Johnson of El Dorado, Sullivan, and Thom—13.

NOES—Messrs. Gregory, Griffith, Ketchum, Merritt, Phelps, and Soule—6.

The bill was then read a third time, and passed.

Mr. Merritt gave notice of a reconsideration of the vote just taken.

Assembly bill No. 414, an act for the relief of certain persons.

Mr. Goodwin moved a call of the Senate.

Carried.

Roll called.

The sergeant-at-arms dispatched for absentees.

The sergeant-at-arms reported the following arrests :

Messrs. Anderson, Burch, Chase, Gregory, Lewis, and Taliaferro.

On motion of Mr. Grant, further proceedings under the call were dispensed with.

The bill was then read a third time, and passed.

On motion of Mr. Johnson of El Dorado, leave of absence, for an indefinite period, was granted Mr. Carpenter, on account of sickness.

Assembly bill No. 396, an act to audit certain claims, was read a third time, and passed.

Assembly bill No. 435, an act to audit certain claims, was read third time, and passed.

Mr. Griffith moved to reconsider the vote by which the Senate refused to concur in Assembly amendments to Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co.

Upon which, the ayes and noes were demanded by Messrs. Grant, Hamm, and Anderson, and taken, with the following result : Ayes, 6—noes, 18 :

AYES—Messrs. Bell, Ferguson of Sacramento, Grant, Griffith, Merritt, and Phelps—6.

NOES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Goodwin, Gregory, Hamm, Holden, Johnson of El Dorado, Pacheco, Rogers, Soule, Taliaferro, and Thom—18.

So the Senate refused to reconsider.

Assembly bill No. 413, an act providing for registration of marriages, births, divorces, and deaths, in California, was referred to the special committee.

Mr. Garter, chairman of the Committee on Enrollment, made the following report :

MR. PRESIDENT :—Your Committee on Enrolled Bills have presented, this the 23d day of April, 1858, at twelve o'clock, M., to the Governor, for his approval, the following bills, viz. :

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison ;

Also, Senate bill No. 306, an act amendatory of and supplementary to an act approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22, 1850 ;

Also, Senate bill No. 333, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857 ;

Also, Senate bill No. 128, an act to amend an act to provide revenue for the support of the government of this state, approved April 29th, 1857 ;

Also, Senate bill No. 142, an act to amend an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854 ;

Also, Senate bill No. 170, an act amendatory of and supplementary to an act to regulate fees of officers, approved April 10, 1855 ;

Also, Senate bill No. 270, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison.

E. GARTER, Chairman.

Report accepted.

GENERAL FILE RESUMED.

Assembly bill No. 391, an act to provide for the payment of the debt of Humboldt county that existed on the first day of December, 1857—

Amendment of committee adopted, rules suspended, bill read a third time, and passed.

Senate bill No. 340, an act to authorize the Secretary of State to insure the state library, was ordered engrossed, and to be read a third time.

Assembly bill No. 439, an act relating to the water-front of the city of San Francisco, was laid on the table.

Assembly bill No. 395, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes—

Mr. Taliaferro moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. Taliaferro, Grant, and Merritt, and taken, with the following result: Ayes, 9—noes, 17:

AYES—Messrs. Berry, Bell, Ferguson of Sierra, Grant, Johnson of Sacramento, Phelps, Soule, Sullivan, and Taliaferro—9

NOES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sacramento, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, and Rogers—16.

So the motion was lost.

Mr. Bell moved to recommit the bill, with special instructions.

Upon which, the ayes and noes were demanded by Messrs. Pacheco, Bell, and Burch, and taken, with the following result: Ayes, 15—noes, 12:

AYES—Messrs. Anderson, Berry, Bell, Dickinson, Grant, Gregory, Hart, Johnson of Sacramento, Johnson of El Dorado, Pacheco, Phelps, Rogers, Soule, Sullivan, and Taliaferro—15.

NOES—Messrs. Baker, Burch, Coulter, Ferguson of Sacramento, Griffith, Hamm, Holden, Ketchum, Lewis, Merritt, Melony, and Thom—12.

DECLINED—Messrs. Garter and Goodwin declined voting.

So the bill was recommitted.

Mr. Bell, by leave, reported back Assembly bill No. 413, which was again returned, and committee directed to comply with instructions.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 23, 1858. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have, this day, passed the following bills:

Assembly bill No. 473, an act for the relief of Solomon Heydenfeldt, Oscar L. Shafter, and James McMillan Shafter;

And, Senate bill No. 234, an act to audit the claim of W. H. Peterson; And, also, Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark;

Also, Senate bill No. 229, an act to audit the claim of J. Tyson;

And Senate bill No. 121, an act to audit the claim of Wm. Wright;

And, Assembly bill No. 152, an act to provide for the payment of the expenses incurred in the survey of the boundary lines between the coun-

ties of Tuolumne and Stanislaus, in the year one thousand eight hundred and fifty-four ;

Also, passed, on the 22d instant, Assembly bill No. 483, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved May 15th, 1855 ;

And, on the 21st instant, passed Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases.

J. W. SCOBEEY, Clerk.

Assembly bill No. 473 was read first and second times, and referred to Committee on Claims.

Assembly bill No. 152 was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 482 was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 307 was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly, on the 22d instant, passed Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather River ;

Also, on the 22d instant, passed Assembly bill No. 484, an act for the relief of H. M. Fanning.

J. W. SCOBEEY, Clerk.

Assembly bill No. 416 was read first and second times, and laid on the table.

Assembly bill No. 484 was read first and second times, and laid over, under the rule.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly, to-day, passed Assembly bill No. 471, an act to audit and allow the claim of Joseph Nougues ;

Also, Senate bill No. 221, an act for the relief of D. L. Mulford.

J. NORMAN BINGAY, Ass't Clerk.

Assembly bill No. 471 was read first and second times, and referred to the Committee on Claims.

The following message was received from the Assembly :

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly have, this day, passed the following bills :

Assembly bill No. 397, an act to audit the claim of J. F. McCauley ;

Assembly bill No. 474, an act to audit and allow certain claims ;

Assembly bill No. 485, an act for the relief of certain persons ;

Also, amended and passed Senate bill No. 274, an act amendatory of and supplementary to an act to reorganize and establish the county of San Mateo, approved April 18, 1857, and ask the concurrence of the Senate thereto ;

Also, passed Senate bill No. 217, an act to audit the claim of Baker & Swinerton.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 397 was read first and second times, and placed on the calendar.

Senate bill No. 274, amendments of Assembly concurred in.

Assembly bill No. 474 was read first and second times, and placed on file.

Assembly bill No. 485 was read first and second times, and placed on file.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 23, 1858.

To the Senate of California :

I herewith return to your honorable body, with my approval, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison ;

Also, an act for the government of the state prison, and to provide for the location of a branch prison.

JOHN B. WELLER.

Mr. Griffith, according to instructions, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 395, with special instructions, report the following amendments, in accordance with such instructions :

Add, as an additional section—Nothing in the act provided shall prevent the immigration to this state of any member of the family of any negro, or mulatto, who may be a resident of this state at the date of the passage of this act, nor of the arrival in this state of any person who may be the owner of any real or personal estate, at the date of the passage of this act, nor of any person who may be a resident of this state, and temporarily absent therefrom, at the date of the passage of this act.

And a majority of the committee recommend that the amendments be rejected, and the bill passed, without amendment.

GRIFFITH,
BURCH,
MERRITT.

The undersigned recommend the adoption of the amendments.

D. S. GREGORY.

For the amendments, but against the bill.

GILBERT A. GRANT.

Mr. Burch moved to consider the bill now, and called the previous question, which was sustained.

The question being " Shall the main question be now put?" upon which, the ayes and noes were demanded by Messrs. Baker, Grant, and Gregory, and taken, with the following result : Ayes, 18—noes, 10 :

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, and Rogers—18.

NOES—Messrs. Bell, Grant, Gregory, Johnson of Sacramento, Pacheco, Phelps, Soule, Sullivan, Taliaferro, and Thom—10.

So the main question was ordered.

The main question being on the adoption of the amendment offered by the committee, the ayes and noes were demanded by Messrs. Burch, Hamm, and Ferguson of Sierra, and taken, with the following result: Ayes, 19—noes, 10:

AYES—Messrs. Anderson, Berry, Bell, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Pacheco, Phelps, Rogers, Soule, Sullivan, and Taliaferro—19.

NOES—Messrs. Allen, Baker, Burch, Griffith, Hamm, Holden, Lewis, Merritt, Melony, and Thom—10.

So the amendments were adopted.

The question being on the third reading of the bill, the ayes and noes were demanded by Messrs. Soule, Rogers, and Grant, and taken, with the following result: Ayes, 20—noes 9:

AYES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, and Thom—20.

NOES—Messrs. Berry, Bell, Grant, Johnson of Sacramento, Pacheco, Phelps, Soule, Sullivan, and Taliaferro—9.

DECLINED—Mr. Goodwin declined voting.

The bill was then read a third time.

The question being on the passage of the bill, as amended, the ayes and noes were demanded by Messrs. Grant, Soule, and Sullivan, and taken, with the following result: Ayes, 21—noes, 8:

AYES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Phelps, Rogers, and Thom—21.

NOES—Berry, Bell, Grant, Johnson of Sacramento, Pacheco, Soule, Sullivan, and Taliaferro—8.

DECLINED—Mr. Goodwin declined voting.

So the bill passed.

Messrs. Phelps and Anderson gave notice of a reconsideration of the vote just taken.

Mr. Griffith moved that the twentieth rule of the Senate be suspended, and that the secretary be directed to report the bill immediately to the Senate.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Soule, and Phelps, and taken, with the following result: Ayes, 21—noes, 8:

AYES—Messrs. Anderson, Allen, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Gregory, Griffith, Hamm, Holden, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Rogers, and Thom—21.

NOES—Messrs. Bell, Grant, Johnson of Sacramento, Pacheco, Phelps, Soule, Sullivan, and Taliaferro—8.

So the motion was carried.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 23, 1858. }

MR. PRESIDENT:—The Assembly, to-day, passed Senate bill No. 315, an act to audit and allow the claim of the late Hamilton Bowie:

Also, Senate bill No. 347, an act making additional appropriations for deficiencies in appropriations heretofore made for the pay of officers and clerks of the Senate for the ninth fiscal year;

Also, Senate bill No. 193, an act to audit the claim of Pacific Express Company;

Also, Assembly bill No. 442, an act for the purpose of obtaining artesian water on the Colorado Desert, and appropriate money therefor;

And have amended and passed Senate bill No. 244, an act for the relief of David Seammell, late sheriff of the county of San Francisco, and ask the concurrence of the Senate.

J. N. BINGAY, Ass't Clerk.

Assembly bill No. 442 was read first and second times, and referred to the Committee on Finance, with instructions to report to-morrow.

Senate bill No. 244 was laid on the table.

Mr. Melony moved to take from unfinished business Senate bill No. 61, relative to the importation of drugs and medicines.

Lost.

Mr. Gregory moved to take up Assembly bill No. 13, an act to amend an act entitled an act to reorganize and establish the county of San Mateo.

Lost.

On motion of Mr. Soule, Assembly bill No. 393, an act amendatory of and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was taken from the table, and placed at foot of calendar.

Mr. Griffith moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Melony, Phelps, and Soule, and taken, with the following result: Ayes, 17—noes, 9:

AYES—Messrs. Allen, Berry, Burch, Bell, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Griffith, Hamlin, Johnson of Sacramento, Lewis, Pacheco, Rogers, Taliaferro, and Thom—17.

NOES—Messrs. Baker, Garter, Gregory, Johnson of El Dorado, Merritt, Melony, Phelps, Soule, and Sullivan—9.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

SATURDAY, April 24, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

On motion of Mr. Dickinson, the reading of the journals of yesterday was dispensed with.

REPORTS.

Mr. Baker, from the Committee on Contingent Expenses, reported in favor of the payment of certain newspaper accounts, and a stationery account.

Report adopted.

The Judiciary Committee made the following reports :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 152, have had the same under consideration, and find that the survey was made by authority of law, and that the state is bound to pay for the same.

J. C. BURCH,
H. GRIFFITH.
G. A. GRANT.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 272, an act to amend an act concerning crimes and punishments, passed April 16, 1850, have had the same under consideration, and report the same back, with a substitute, and recommend its passage.

S. H. CHASE,
GILBERT A. GRANT,
J. O. GOODWIN,
SAM. A. MERRITT.

Report accepted, and, with bill, placed on file.

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 40, an act concerning certain conveyances, and other instruments in writing, have had the same under consideration: Messrs. Chase, Griffith, Burch, and Gregory, recommend that the bill be indefinitely postponed; and Messrs. Grant and Goodwin, the passage of the bill;

Also, Assembly bill No. 119, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, have had the same under consideration, and Messrs. Chase, Goodwin, Griffith, Burch, and Merritt, recommend its indefinite postponement.

S. H. CHASE, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Johnson, of Sacramento, chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 208, an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857, have had the same under consideration, report the bill back to the Senate, recommending that it be indefinitely postponed;

Also, have had under consideration Senate bill No. 181, an act entitled an act to provide revenue for the support of the government of this state,

approved May 15, 1854, report the same back to the Senate, recommending that it be indefinitely postponed.

JOSIAH JOHNSON,
Chairman of Finance Committee.

Report accepted, and, with bills, placed on file.

Mr. Holden, chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—The Committee on Public Lands, to which was referred Assembly bill No. 442, for an act entitled an act for the purpose of obtaining artesian water on the Colorado Desert, and appropriating money therefor, have had the same under consideration, and are of the opinion, that the work ought to be done ; but the bill is so loosely drawn—authorizing the payment of the money on the order of the board of supervisors of San Diego and San Bernardino counties, before the work has been performed, and there being nothing in the bill compelling the said boards of supervisors to appropriate the money for the objects contemplated in the bill ; and it being so near the close of the session, hence, is impossible to amend, the committee simply recommend the bill to the consideration of the Senate.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lewis, chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossed Bills have examined Senate bill No. 340, an act authorizing the Secretary of State to insure the state library, and find the same correctly engrossed.

W. T. LEWIS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the Committee on Claims, made the following report, which was accepted, and placed on file :

MR. PRESIDENT :—Your Committee on Claims, to whom was referred Assembly bill No. 464, entitled an act to audit and allow the claims of certain persons, for services rendered, and expenses incurred, during the insurrection in the city and county of San Francisco, A. D. 1856, beg leave to report, that they have had the same under consideration, but without the proper opportunity of investigating the merits of the measure proposed by this bill.

Your committee deem the measure proposed by the bill under consideration, one which involves questions that deeply concern the people, and the administration of the government of the state. And, it could hardly be expected, that a legislative committee, in the brief time they have had to give their attention to the investigation of this matter, necessarily connected with so much of detail, as well as the rules of military and other law, would presume to form just conclusions with reference to the merits of this measure. It would seem that the questions involved in the provisions of the bill should be well considered with reference to the facts of the case, upon proper evidence to be introduced, not only to establish a claim against the state, but also, how much it is, and to whom it be-

longs. And, for the purpose of forming such a conclusion, your committee are compelled to say they are wholly wanting in the proofs.

The plan of this bill is to authorize the board of military auditors to audit and allow all legal claims for services rendered, and expenses incurred, during the insurrection; and when this is done, the Treasurer of State is required to issue bonds, in an amount not exceeding fifty thousand dollars, for the payment of such claims as may be allowed under the provisions of this act, in the same manner and form as other claims are audited and allowed. This plan of adjusting this matter, appears objectionable to the committee. The Legislature has just passed an act creating a board of examiners, with all the requisite authority to examine, and either to approve or disapprove all claims against the state, and have thus instituted a new policy, with reference to settling all claims against the state. And the committee can see no good reason for making this claim an exception to the mode adopted by the general act for adjusting all claims presented against the state. Indeed, to do so, would be to attempt to settle the claim under consideration by conflicting statutes, which would involve the whole question in doubts and uncertainties as to the competent jurisdiction in which the claim could be settled. The act just passed, creating a board of examiners, seems to abrogate all authority of the board of military auditors over the question of claims; and the committee can see no reason whatever in endeavoring to continue the jurisdiction of the military board for the single purpose of passing upon this claim. In connection with these views of the committee, sections one, eight, nine, ten, and eleven of the act creating the board of examiners, are transcribed in this report.

These enactments are as follows :

"Section one—The persons who fill and discharge the duties of the office of Governor of this state, Secretary of State, and Attorney General, are hereby appointed and constituted a board of examiners, with the power and duties hereinafter specified."

"Section eight—It shall be the duty of said board of examiners to examine, and either approve or disapprove, all claims against the state which may be presented to them."

"Section nine—Any person or persons who may have or claim any demand whatever against the state, may present the same to the board of examiners, in the form of an account or petition, (according to the nature thereof,) and may, at such time and in such manner as said board shall prescribe by their rules, present his evidence to sustain said demand; and it shall be the duty of said board to refuse said demand, as required in section ten of this act."

"Section ten—If the said board approve the demand mentioned in section nine, and an appropriation to meet the same shall have been made, by law, then they shall endorse thereon, over their signatures, and approved for the sum of \$—, and transmit the same to the office of the Comptroller of State; or, if no appropriation shall have been made by law, for the payment of said demand, then the said board shall transmit the same to the Legislature of this state, sending their approval of the same, and the reasons therefor; but if such board, or a majority thereof, disapprove said demand, they shall cause the same to be filed among the archives of said board, with a statement, showing such disapproval, and the reasons therefor."

"Section eleven—Any person, or persons, interested, who may feel aggrieved by the disapproval of a demand by said board, may appeal from

its decision to the Legislature of this state; such appeal shall be taken by filing with the said board notice thereof; and upon the receipt of such notice, the said board shall transmit said demand, and all papers accompanying the same, with a statement of the evidence taken before it, to the Legislature. No demand, or claim, of any nature whatsoever, shall be entertained by the Legislature, unless recommended by the board of examiners."

Now, recurring to the bill referred to the consideration of the committee, it will be seen that it provides a mode of adjustment of this claim, different from that provided in the act just quoted, and entirely inconsistent with its provisions. The bill under consideration proposes to submit the claim to the board of military auditors, whose jurisdiction over the subject is virtually abolished by the statute above quoted, and it requires the Legislature to pass upon the merit of the claim, directly contrary to the provisions of sections ten and eleven of said act, so that, if the committee should undertake to prosecute an investigation into the basis or foundation of the claim in question, they would be obliged to contravene the policy of the statute enacted for the purpose of regulating and adjusting the whole subject, and, perhaps, would be compelled to recommend the passage of a bill, the provisions of which would conflict with wiser and better laws. With these views, without undertaking to express any opinion upon the merits of this claim, the committee report the same back, and respectfully recommend the indefinite postponement of the bill.

E. GARTER,
W. B. DICKINSON,
J. H. BAKER.

Report accepted, and, with bill, placed on file.

Mr. Johnson of El Dorado, to whom was referred the correspondence of Governor Weller and General Clarke, in relation to Indian difficulties, reported that the committee could find nothing upon which any legislative action could be taken, and report the papers back, to be filed in the Secretary of State's office.

Report accepted.

REPORT OF THE JOINT COMMITTEE ON CLAIMS.

Mr. Dickinson of the Committee on Claims, reported an abstract of the claims presented to the Legislature, showing the results of the action of the committee during the session, recommending it to be placed on the Journals of the Senate.

Report accepted, and ordered spread upon the Journals. (See the following pages.)

S T A T E M E N T

Of Claims, Bills, Repudiated Comptroller's Warrants, and Petitions, acted upon by the Joint Committee on Claims of the Senate and Assembly, during the Ninth Session, A. D. 1858.

SENATE.

No.	Name of Claimant.	Nature of Claim.	Amount Claimed.	Amount Allowed.	Amount Rejected.	Ref'd to other committees.
1	B. F. Hastings.	Rent of rooms to Supreme Court.	\$6,626 66	\$6,210 00	\$416 66	
2	James Smiley.	Provisions and supplies furnished state prison, 1855.	24,388 18	24,388 18		
3	Augustin Ains.	Translating laws of 1856, into Spanish.	1,480 00	467 50	1,012 50	
4	W. F. Knox.	Repairs to state-house.	21 00			21 00 Expenditures
5	J. F. Muldoon.	Repairs to water-closets.	20 00			20 00 Expenditures
6	M. Scott, Jr.	Repairs at state prison, 1856.	1,152 00	1,019 00	133 00	
7	Paul K. Hubbs.	Rent of office to Superintendent of Public Instruction, 1856.	1,928 87		1,928 87	
8	Brown, E. Eyre & Culver.	Rent state armory rooms, 1856.	1,234 00	1,234 00		
9	Hamilton Bowie.	Supplies furnished state prison, 1855.	19,357 84	10,111 00	9,246 85	Contingent.
10	W. F. Knox.	Repairs to capitol, 1857.	100 00		100 00	
11	Wm. Wright.	Services as porter to Supreme Court, 1856.	1,250 00	875 00	375 00	
12	McGee & Phalerty.	Carrying freight to state prison, 1855.	782 00	385 57	396 43	
13	Peter Gardiner.	Wood furnished state prison, 1856.	162 00	162 00		
14	Pacific Express Co.	Expressage for Legislature, 1855.	1,378 75	1,378 75		
15	A. C. Hunter.	Fees in sixth judicial district, 1856.	125 45		125 45	
16	Wm. Ford.	Transporting convicts to state prison, 1855.	530 00	530 00		
17	Thos. R. Eldredge.	Translating laws and correcting for 1856 and 1857.	1,962 25	155 85	1,206 40	
18	F. H. Woods.	Sundry claims for services to Senate, 1855.	1,190 87	970 87	220 00	
19	H. W. Larkin.	Expert, 1856.	600 00	600 00		
20	F. A. Bishop and 12 others.	Labor on immigrant road, 1856.	4,273 43		4,273 43	
21	B. C. Newcomb.	Furniture furnished Senate, 1856.	295 50		295 50	
22	John S. Love.	Cash advanced and supplies purchased prison, 1855.	2,411 34	2,411 34		
23	Robert G. Crozier.	Feeding state prisoners, at San Francisco, 1852.	2,100 00	2,400 00		
24	Rivet & Co.	Furniture furnished Senate, 1855.	175 90	175 90		
25	M. F. Butler.	Drawing plans and specifications to prison.	2,796 00	2,796 00		
26	S. H. Wedderburn.	Services as notary public at state prison, 1856.	300 00		300 00	
27	Jesse Hackett.	Services as porter in Surveyor General's office.	122 00		122 00	
28	Wm. S. White.	Balliff to Supreme Court, 1856.	115 00		115 00	
29	James D. Potter.	Writing up Senate Journals, 1856.	261 00	261 00		

	\$250 00	\$250 00	\$250 00	\$68 00	\$250 00	\$68 00	\$250 00	\$68 00
33 George Mixer,.....								
34 Carswell & Hossack,.....								
35 Petition Whitcomb, Peak & Hampton,.....								
36 Firderer & Caduc,.....								
37 James Anthony & Co.,.....								
38 McKenzie & Bell,.....								
39 A. J. Phelan,.....								
40 Petition of Harriet Barry,.....								
43 E. L. Brown,.....								
44 D. J. Snyder,.....								
46 Wm. Underwood,.....								
47 Joseph M. Shepard,.....								
48 Hiller & Andrews,.....								
49 Hiller & Andrews,.....								
50 James Penney,.....								
51 Samuel J. Frisbee,.....								
52 James F. Kane,.....								
53 Reuben S. Clark,.....								
55 Baker & Swinerton,.....								
56 J. Beneden,.....								
57 James L. English,.....								
59 El Clamor Publico,.....								
60 Samuel Warren,.....								
61 Sloop Pet and owners,.....								
69 James Allen,.....								
70 James O'Connor,.....								
71 Sam. Deal,.....								
72 Dan'l H. Carpenter,.....								
73 City Water-Works,.....								
74 J. M. Anderson,.....								
75 State Telegraph,.....								
76 Petition Citizens Drytown,.....								
77 B. M. Fetter,.....								
78 G. W. Ryckman,.....								
79 Senate bill No. 147,.....								
80 J. M. Anderson,.....								
82 Richard N. Snowden,.....								
83 Wm. Moran,.....								
84 J. M. Shepard,.....								
85 B. McAlpin,.....								
86 Pacific Express Co.,.....								
87 C. Huntman,.....								
Hauling state library, and arranging same, 1856,.....								
Papers furnished Supreme Court, 1856,.....								
Searching records relative to Leidesdorff estate,.....								
Articles furnished Surveyor General's office, 1856,.....								
Printing proclamations, 1857,.....								
Salary as state prison directors, 1857,.....								
Clerk to War Commissioners, in 1857,.....								
Prosecuting suits against foreign miners, 1856,.....								
Rent of court-house, Sacramento, 1850,.....								
Superintending hot-air furnace, 1856,.....								
Furnishing water to capitol, 1854,.....								
Papers furnished Senate, 1855,.....								
Clock furnished Senate chamber, 1856,.....								
Rent Attorney General's office, 1857,.....								
Porter to Supreme Court, 1856,.....								
Transporting state furniture to Benicia, 1852,.....								
Work on state capitol, 1857,.....								
Plans and designs state capitol 1856,.....								
Articles furnished capitol, 1856,.....								
Rooms for committee to insane asylum, 1856,.....								
Services in suits against Palmer, Cook & Co., 1857,.....								
Advertising state war debt, 1857,.....								
Wood furnished state prison, 1855,.....								
Transporting freight to prison, 1855,.....								
Papers furnished Senate, and publishing proclamations, 1856,.....								
Balance due for services at state prison, 1856,.....								
Arresting state convict, 1855,.....								
Wood and beef furnished state prison, 1855,.....								
Water furnished capitol, 1856,.....								
Arresting desperadoes in El Dorado county, 1856,.....								
Despatches from and to Governor Johnson, in 1856,.....								
Relief for church destroyed by mob, 1856,.....								
Attendance before High Court of Impeachment, 1857,.....								
Supplies furnished state prison, 1855,.....								
Relief of J. F. McCauley, transporting insane convicts,.....								
Copying and punctuating Journals, 1856,.....								
Transporting prisoner from San Quentin to Sacramento, 1855,.....								
Articles furnished Supreme Court, 1855,.....								
Furnishing papers to Legislature, 1856,.....								
Calls of House, 1856,.....								
Expressing for Legislature, 1856,.....								
Extra pay as porter to Senate, 1855,.....								

Comptroller.

S T A T E M E N T—[CONTINUED.]

Of Claims, Bills, Repudiated Comptroller's Warrants, and Petitions, acted upon by the Joint Committee on Claims of the Senate and Assembly, during the Ninth Session, A. D. 1858.

SENATE.

No.	Name of Claimant.	Nature of Claim.	Amount Claimed.	Amount Allowed.	Amount Rejected.	Ref'd to other committees.
88	A. J. Butler.....	Services of A. T. Melvin, in Senate, 1856.....	\$769 50	.....	\$769 50	.....
89	W. H. Lyon.....	Services rendered, and articles furnished Senate, 1856.....	1,120 00	.....	1,120 00	.....
90	B. McAlpin.....	Extra services rendered. Legislature.....	65 00	.....	65 00	.....
91	Eco del Pacifico.....	Advertising proclamations, 1856.....	410 00	.....	410 00	.....
92	San Francisco Herald.....	Advertising prizes and proclamations, 1856.....	182 83	\$272 75	210 48	.....
93	John Center.....	Rent of state prison grounds and buildings.....	13,000 00	.....	13,000 00	.....
94	G. D. Bliss & Co.....	Supplies furnished state prison, 1856.....	6,851 17	.....	3,403 09	.....
95	Wm. J. Lewis.....	Grading and laying state prison grounds, 1856.....	400 00	300 00	100 00	.....
96	A. M. Warren.....	Services in El Dorado war, 1850 and 1851.....	1,083 00	.....	1,080 00	.....
97	George T. Brady.....	Services as auctioneer at San Jose, 1856.....	450 00	.....	450 00	.....
98	Petition from Trustees San Jose City.....	Asking for remuneration for losses by removal of capital.....	40,000 00	.....	40,000 00	.....
99	J. J. Lercant & Co.....	Stationery furnished Supreme Court, 1856.....	191 00	460 00	31 00	.....
100	Pacific Express & Co.....	Expenses for Legislature, 1856.....	800 00	800 00	.....	.....
101	Honore Weller.....	Service El Dorado war, and for relief.....	848 00	.....	848 00	.....
102	J. Tysoe.....	Transporting prisoners from Siskiyon, 1856.....	1,140 00	718 25	431 75	.....
103	Petitioner Sisters of Mercy.....	Expenses for treatment of the dead, 1856.....	1,189 00	.....	4,185 00	.....
104	J. Anthony & Co.....	Regulated Comptroller's warrant.....	245 25	245 25	.....	.....
105	J. P. Hall.....	Rent for use of Governor's office, 1857.....	107 00	.....	107 00	.....
106	J. C. Gordon.....	Services as superintendent state prison, 1857.....	250 00	.....	.....	.....
107	John Hall.....	For wood furnished state prison, 1856.....	979 00	797 50	262 50	.....
108	H. & W. P. Gibbons.....	Medical services at marine hospital, San Francisco, 1856.....	1,881 00	1,881 00	.....	.....
109	Wm. Clark.....	Transporting freight to state prison, 1857.....	730 00	200 00	390 00	.....
110	J. M. Shepard.....	Printing papers and advertising—Daily Democrat.....	440 00	.....	440 00	.....
111	D. L. Mulford.....	Arresting escaped convicts, 1857.....	250 00	.....	200 00	.....
112	D. H. Pearson.....	Senate hall No. 234, arresting murderers.....	1,000 00	1,000 00	.....	.....
113	Cross Valley Telegraph.....	Furnished Legislature, 1856.....	68 75	68 75	.....	.....
114	State Compt's Warrants.....	Issued to James Sullivan, building state prison wall.....	125,127 84	92,318 80	32,808 94	.....
115	State Compt's Warrants.....	Issued in 1856, being attested by Governor Weller.....	100 00	199 25	.....	.....

116 J. N. Irwin,	Services as clerk to state prison committee, 1857,	\$2 00	\$72 00
117 M. Fennell,	Petition for damages sustained building wing to insane asylum,	10,000 00	10,000 00
118 N. A. H. Ball,	Services rendered state in Bates' trial,	500 00	500 00
119 Thomas Cavenough,	Hauling state furniture in 1854,	160 00	160 00
120 E. F. Beule,	Suppressing Indian hostilities in Tulare county,	1,200 00	\$1,242 10
121 Luther Laird & Co.,	Printing in 1856,	253 00	73 50
Total amount claims before Senate,		\$360,300 92	\$197,486 07
			\$162,856 85

ASSEMBLY.

No.	Name of Claimant.	Nature of Claim.	Amount Claimed.	Amount Allowed.	Amount Rejected.	Ref'd to other committees.
1	D. McLaren,	Services in Surveyor General's office, 1856,	\$1,215 00	\$1,164 00	\$51 00	
2	J. F. McCauley,	Supplies furnished state prison in 1855 and 1856,	23,326 86	8,200 35	15,136 51	
3	G. Meyer,	Staircases furnished Senate, 1856,	56 25		56 25	
4	W. G. Poidexter,	Arresting state prisoner, S. McClintock, 1855,	493 00	281 25	211 75	
5	Augustus T. Eisen,	Articles furnished Legislature, 1856,	122 18	122 18		
6	F. R. Bunker,	Clerk in State Treasurer's office, 1856,	540 00	540 00		
7	John Smith,	Services as volunteer in Indian war, 1852,	600 00		600 00	
8	W. D. Kirk,	Transporting prisoner from Stanislaus, 1856,	195 00	195 00		
9	Moutain Duport,	Translating and advertising, 1856,	170 00	147 50	22 50	
10	Adam Schuppert,	Translating laws into German, 1856,	1,344 31	1,344 31		
11	Sacramento Gas Company,	Furnishing gas to capitol, 1857,	1,036 82	1,036 82		
12	A. H. Broder,	Transporting prisoners to San Quentin, 1855 and 1856,	500 00	217 50	282 50	
13	Hammond & Co.,	Articles furnished Senate, 1857,	11 00	11 00		
15	Nevada Journal,	Publishing proclamation, 1856,	26 00	26 00		
16	State Journal,	Publishing proclamation, 1856,	87 00		87 00	
17	C. H. Bradford,	Fees as clerk sixth judicial district, 1856,	222 25		222 25	
18	Wells, Fargo & Co.,	Expressing for Legislature, 1857,	401 57	251 57	150 00	
19	D. J. Thomas,	Preparing revenue laws, 1856,	250 00	250 00		
21	Alta Californian,	Publishing proclamation in 1856,	439 75		439 75	
22	Britton & Rey,	Printing Comptroller's warrants, and engraving bonds, 1857,	1,435 00	1,435 00		
23	C. Binney,	Stationery furnished Comptroller's and Treasurer's offices, 1856,	286 00	286 00		
24	Frank Soule & Co.,	Publishing proclamation, 1856,	150 00		150 00	
25	Claborne Hubbard,	Porter in Treasurer's office, 1856,	200 00	200 00		
26	Iowa Hill News,	Publishing and papers to Assembly, 1856,	32 00		32 00	
27	Thomas Boyce,	Advertising and publishing in southern papers,	568 75	333 00	235 75	

S T A T E M E N T — [CONTINUED]

Of Claims, Bills, Repudiated Comptroller's Warrants, and Petitions, acted upon by the Joint Committee on Claims of the Senate and Assembly, during the Ninth Session, A. D. 1858.

ASSEMBLY.

No.	Name of Claimant.	Nature of Claim.	Amount Claimed.	Amount Allowed.	Amount Rejected.	Ref'd to other committees.
28	D. S. Lord & Co.,	Stationery furnished the Legislature in 1856,	\$7,084 50		\$7,064 50	
29	T. Peasey,	Crockeryware furnished Senate, 1857,	10 50		10 50	
30	Petition of Joseph Nougues,	Damages sustained in annulling contract capitol,	22,322 00		22,322 00	Select.
28	Post-office,	Postages public offices, 1857,	1,093 15	\$1,093 15		
29	Elliott, Cook & Cotran,	Repudiated Comptroller's warrant for brick, 1855,	2,500 00	2,500 00		
31	Henry Caperton,	Services as porter in Supreme Court, 1856,	400 00	400 00		
33	Dr. J. P. Riley,	Attendance on small-pox hospital, 1855,	1,777 68		1,777 68	
34	J. C. Doregluy,	Repairing desks, etc., for Legislature, 1856,	1,016 50	545 00	471 50	
36	E. Noblit,	Papers furnished Legislature, 1856,	113 50		113 50	
37	D. & J. Madlax,	Room furnished committee, 1857,	24 00	24 00		
38	Petition McNeil and others,	Depredations committed by escaped convicts, 1855,	200 00		200 00	
39	Volcano Ledger,	Publishing proclamations, 1856,	102 50	28 50	74 00	
40	B. F. Marshall,	Petition for damages sustained by sheriff of Tuolumne county,	9,825 00		9,825 00	Judiciary.
41	Skellum & Dosh,	Advertising proclamation in Shasta Courier, 1856,	46 38	35 50	10 88	
42	J. H. Haralson,	Searching records in Marin county relative to state prison,	500 00		500 00	Comptroller.
44	S. C. Gray,	Sundries for Assembly,	84 00			
45	Post-office,	Postage, 1856,	77 08	77 08		
46	T. A. Chambers & Co.,	Chandeliers, etc., furnished capitol at Benicia, 1853,	1,843 60		1,843 60	
47	Wells, Fargo & Co.,	Expressing, under contract, 1857,	500 00	500 00		
48	L. Ransom,	Maps furnished Surveyor General's office, 1856,	2,338 70	1,431 00	907 70	
49	Pay of volunteers,	Insurrection in San Francisco, 1856,	56,000 00		50,000 00	Select.
50	F. D. Gilbert,	Building furnished state prison, 1856,	212 00	212 00		
51	Relief of Santa Barbara,	Assembly bill No. 290,	1,464 71		1,464 71	
53	Wines & Co.,	Expressing and envelopes, 1856,	130 00		130 00	
54	Monterey Sentinel,	Publishing proclamation, 1856,	15 00	15 00		
56	Greenbaum & Bucki,	Articles furnished Senate, 1856,	60 00	48 00	12 00	
57	John Nickel,	Rent state library rooms, 1856,	1,350 00	1,350 00		
58	J. M. Shepard,	For copies of Democrat, 1856,	440 00		440 00	
59	Nevitt & Co.,	Sundries furnished capitol, 1856,	45 00	45 00		

60 Samuel Nail, Jr.,	Extra work indexing Journals, 1857,	400 00	200 00	200 00	Contingent.
61 John Staten,	Porter to committee rooms, 1857,	68 00	68 00	68 00	
62 Sonoma Journal,	Publishing, 1857,	7 50	7 50	7 50	
63 Thomas F. Lewis,	Summons to witnesses High Court of Impeachment, 1857,	88 50	88 50	88 50	
64 S. B. Jaques,	Witness and mileage High Court of Impeachment, 1857,	67 50	35 50	32 00	
65 Assembly bill No. 412,	Deficiencies insane asylum, 1857,	16,480 20	16,480 20	16,480 20	Back to Ass'y.
66 Boundary line, Stanislaus,	Services running boundary, 1856,	630 00	630 00	630 00	
67 Sierra Democrat,	Publishing and papers, 1856,	42 00	42 00	42 00	
68 Assembly bill No. 470,	Expenses insane asylum, 1856 and 1857,	16,558 18	4,558 18	12,000 00	
69 F. T. Lewis,	Witness fees to High Court Impeachment, 1857,	106 50	106 50	106 50	
70 J. C. Kibbe,	Rent of room to war commissioners, 1857,	150 00	150 00	150 00	
71 J. C. Potter,	Services attempting to arrest a murderer in 1852,	1,344 00	1,344 00	1,344 00	
	Total amount Assembly,	\$174,207 03	\$30,009 40	\$144,197 63	

RECAPITULATION.

	In which House presented.	Amount Claimed.	Amount Allowed.	Amount Rejected.
Senate—Total claims presented,		\$360,300 92	\$197,486 07	\$162,856 85
Assembly—Total claims presented,		174,207 03	30,009 40	144,197 63
Grand total of claims presented to Senate and Assembly,		\$534,507 95	\$227,495 47	\$307,054 48

M. Scott, Jr., Clerk.

E. F. BURTON, Chairman.

The Judiciary Committee made the following report:

Mr. President.—The Judiciary Committee to which was referred Assembly Bill No. 426, entitled an act to amend an act entitled an act concerning the office of Secretary of State, passed May 12, 1874, have read the same under consideration, report it back, and respectfully recommend its passage, without amendment.

JOSEPH H.
GRIFFITH,
MERRITT,
GREGORY.

Report accepted, and with bill placed on file.
The Judiciary Committee made the following report:

Mr. President.—The Judiciary Committee, to which was referred Assembly Bill No. 427, an act to amend an act entitled an act concerning proceedings in civil cases, have read the same under consideration, and the undersigned, for the reasons stated in their report made on yesterday upon Assembly Bill No. 426, recommended the indefinite postponement of the bill.

GRANT,
HUBB,
GREGORY.

Report accepted, and, with bill, placed on file.

The committee of conference on Senate Bill No. 167 made the following report:

Mr. President.—The committee of conference, to which was referred the disagreeing bills on Senate Bill No. 167, an act making appropriations for the next fiscal year, have read the same under consideration, report the bill back, recommending the Senate amendments.

JOSIAH THOMAS,	} Senate Committee.
J. C. BURCH,	
A. R. MELONY,	} Assembly Committee.
H. LEE,	
GEORGE W. CHANE,	

Report accepted, and recommendations of committee adopted.
The Judiciary Committee made the following report:

Mr. President.—The Judiciary Committee, to which was referred Assembly Bill No. 478, a resolution of the civil service act, have read the same under consideration, and being divided in the body of the committee only this morning. We are divided upon preliminary examination, that many acts of a temporary character passed this week, would be passed by the passage of this act; we therefore report the same back and recommend its indefinite postponement.

HUBB,
GRIFFITH,
D. S. GREGORY,
J. O. GOODWIN.

Report accepted, and, with bill, placed on file.
Mr. Griffith made the following report:

MR. PRESIDENT:—The select committee to whom was referred Senate bill No. 125, report the same to the Senate, and recommend, inasmuch as the Senate has already passed Assembly bill No. 412, upon the same subject, that the bill do not pass.

GRIFFITH,
Chairman of the Committee.

Mr. Bell, to whom was referred Assembly bill No. 413, made the following report:

MR. PRESIDENT:—Your special committee to whom was referred Assembly bill No. 413, entitled an act providing for the registration of marriages, births, divorces, and deaths, report the same back, with the amendments contained in the instructions of the Senate:

Section one of said act is amended by inserting, in line three of said section, before the words "a State Registrar," the following: "The Secretary of State;" and by inserting, at the end of said section, "and the records of said office shall be kept at the state library."

Section two of said act is amended by striking out all after the word "act," in line thirteen of said section.

Section three of said act is amended by striking out, after the word "parents," in line eight of said section, the words "keepers and superintendents of prisons, alms-houses, hospitals, houses of correction, and other public and private institutions, and the commanding officer of any ship or other vessel;" and also, by striking out, after the word act, in line eighteen of said section, the following: "It shall likewise be the duty of every person having obtained a divorce, to enter, in the office of the recorder of the county wherein such divorce is obtained, a record of such divorce, according to the provisions of the first section of this act;" and inserting, in lieu of the same, the words, "and it shall be the duty of the clerk of the district court in which any divorce may be obtained, to cause a record of the same to be made, according to the provisions of the first section of this act;" and further, by striking out the remainder of said section, and inserting, in place of the same, "and it shall be the duty of the party in whose house any death may occur, to make a record of the same, according to the provisions of the first section of this act."

Section five of said act is amended by striking out all of said section after line nine of the same, and inserting the following, instead: "And every county recorder shall pay into the hands of the State Registrar one-half of the fees received by him for registration, according to the provisions of this act, and shall take his receipt therefor, and file the same in the office of the State Treasurer."

Said act is amended, in obedience to said instructions, by striking out the whole of sections six, seven, and eight.

All of which is respectfully submitted.

S. B. BELL,
GEO. H. ROGERS,
S. M. JOHNSON.

Report accepted.

Mr. Bell moved to suspend the rules, and consider the bill now.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Berry, and Bell, and taken, with the following result: Ayes, 15—noes, 9:

[illegible]

For more information, contact: **James R. Taylor, Director, Division of
Biological Resources, U.S. Fish and Wildlife Service, Washington, D.C. 20540**

Mr. Griffiths made a verbal report on January 20, 1914, on an investigation into the distribution of *Strep. pneumoniae* in the south of Tybe, and its relation to the presence of the pneumo-splenic bacilli in the same district.

The names of 12 children, the only ones reported, were listed. All but a third were boys.

Mr. Ferguson of Maine reported, verbally, Assembly No. 14, 200, on act to amend the Administration of Estates, relating to the estate of T. J. and to amend the procedure of the laws.

The authors are grateful to the anonymous reviewers for various helpful comments and suggestions. We also thank the two referees for their constructive comments and suggestions. This work was supported by the National Natural Science Foundation of China (Grant No. 71273052).

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the action of the Government in placing trading of the full year to come.

The *Journal* is owned by William Paul, all the the printed matter is
sent to him.

Mr. Joseph, Chairman of the Committee on Education, U.S. House of Representatives

The *Stenogram*—Your *Stenogram* on *Excluded Cities*, on the twenty-ninth day of April, 1896, at New York, N. Y., pronounced the following for the national, the following bill, viz.:

Shouldn't the bill, in order to protect the rights of way, as it calls for, among other things, not a railway track, include the proposed bridge as the site and center of the Danubius, and its left and right banks?

May 1969 Vol. 10, No. 271. Adapted to public use from the Journal of the Royal Society of Medicine.

1. The first group of authors (e.g., [1, 2]) has shown that the use of a single, fixed, value of α is not optimal for all values of β . They have shown that the optimal value of α depends on β and that the optimal value of α is a function of β .

1. 1990

The following passage was recorded from the interview:

State of California, Sacramento County, ss. I, J. L. Allen, Judge of the Probate Court, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of said Court.

Sacramento, April 26, 1902.

*I have not yet approved or not to enter into the City of London and
Hampshire County Council, and I am sure the City of London
Council will be able to do so.*

Let us get immediately at each supplementary to an act appearing
 § 10. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 8

These are the documents as presented by the "Congressional Committee on the Inquiry into the Cause of the War" (1911).

Also, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Also, an act to audit the claim of Baker & Swinerton;

Also, an act concerning county treasurers.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, passed Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements at the state asylum for the insane, with amendments.

J. W. SCOBEEY, Clerk.

Senate bill No. 177—the question being on concurring in the amendments of the Assembly, the ayes and noes were demanded by Messrs. Melony, Anderson, and Berry, and taken with the following result: Ayes, 21—noes, 5:

AYES—MESSRS. Burch, Bell, Coulter, Dickinson, Ferguson of Sierra, Goodwin, Gregory, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Phelps, Rogers, Sullivan, Taliaferro, and Thom—21.

NOES—MESSRS. Anderson, Baker, Berry, Ferguson of Sacramento, and Soule—5.

So the Senate concurred.

The Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Senate Enrolling Committee have examined, and found correctly enrolled, Senate bill No. 315, an act to audit and allow the claim of Hamilton Bowie;

Also, Senate bill No. 121, an act to audit the claim of William Wright.

E. GARTER, Chairman.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, passed Assembly bill No. 432, an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace, constables, and supervisors;

Also, Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the north half of the south-west quarter of section number thirty-six, township five north, range two west, Mount Diablo base and meridian, in the county of Solano;

Also, Senate bill No. 185, an act to authorize Andrew P. Jackson to construct a wharf in Solano county.

J. N. BINGAY, Assistant Clerk.

Assembly bill No. 432 was read first and second times.

Mr. Phelps moved its reference to the Committee on Counties and County Boundaries.

Upon which, the ayes and noes were demanded by Messrs. Soule, Phelps, and Rogers, and taken, with the following result: Ayes, 8—noes, 17:

AYES—Messrs. Berry, Bell, Grant, Phelps, Soule, Sullivan, Taliaferro, and Thom—8.

NOES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sacramento, Garter, Gregory, Hamm, Hart, Holden, Johnson of El Dorado, Lewis, Merritt, Melony, and Rogers—17.

So the motion was lost.

Mr. Ferguson of Sacramento moved to suspend the rules, and consider the bill now.

Upon which, the ayes and noes were demanded by Messrs. Soule, Phelps, and Grant, and taken, with the following result: Ayes, 16—noes, 8:

AYES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Ferguson of Sacramento, Goodwin, Grant, Hamm, Hart, Holden, Johnson of El Dorado, Lewis, Merritt, Melony, and Rogers—16.

NOES—Messrs. Berry, Bell, Ketchum, Phelps, Soule, Sullivan, Taliaferro, and Thom—8.

So the bill was considered.

Mr. Merritt moved the previous question.

Sustained.

Question, being "Shall the main question be now put?" was put, and carried.

The main question being on the third reading of the bill, the ayes and noes were demanded by Messrs. Phelps, Sullivan, and Grant, and taken with the following result: Ayes, 15—noes, 10:

AYES—Messrs. Allen, Baker, Burch, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Melony, and Sullivan—15.

NOES—Messrs. Anderson, Berry, Bell, Dickinson, Grant, Gregory, Phelps, Soule, Taliaferro, and Thom—10.

So the bill was read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Soule, Sullivan, and Phelps, and taken, with the following result: Ayes, 17—noes, 9:

AYES—Messrs. Allen, Baker, Burch, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Garter, Griffith, Hamm, Holden, Johnson of El Dorado, Johnson of Sacramento, Lewis, Merritt, Melony, Rogers, and Soule—17.

NOES—Messrs. Anderson, Berry, Dickinson, Grant, Gregory, Phelps, Sullivan, Taliaferro, and Thom—9.

So the bill was passed.

Mr. Soule gave notice of a reconsideration of the vote just taken.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, adopted the report of the committee of conference on Senate bill No. 166, the general appropriation for the tenth fiscal year

J. W. SCOBEX, Clerk.

APRIL 24, 1858.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24, 1858.

To the Senate of California :

I have, this day, approved an act entitled an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24, 1858.

To the Senate of California :

I return to your honorable body, without my approval, an act entitled an act to grant the right of way to certain persons therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon.

The thirty-first section of the fourth article of the constitution, prohibits the creation of corporations by special act except for municipal purposes. The thirty-third section defines the meaning of the word corporation to be, "associations and joint-stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships." This act confers upon certain parties therein named, powers and privileges which "are not possessed by individuals or partnerships," and is therefore unconstitutional.

Aside from this, there is no specification as to the width of the road, and as it provides for a double track, the work might be so constructed as to prevent any other mode of traveling upon the streets through which the railroad passes.

These parties should incorporate under the general laws of the state before they ask the privileges granted by this bill.

JOHN B. WELLER.

The question being "Shall the bill pass, notwithstanding the objection of the Governor?" the roll was called, with the following result: Ayes, 2—noes, 16:

AYES—Messrs. Allen, and Ferguson of Sacramento—2.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Gregory, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Rogers, Soule, Sullivan, Taliaferro and Thom—16.

So the Senate refused to pass the bill.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24, 1858.

To the Senate of California :

I return, herewith, to your honorable body, without my approval, an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April 10th, 1855.

If this act is a beneficial one, I see no reason why the fifteen counties therein named should be exempted from its operations. There is already

too much special legislation on the statute book, and I cannot increase the number, except when clearly necessary.

JOHN B. WELLER.

The question being "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 7—noes, 17:

AYES—Messrs. Berry, Burch, Garter, Griffith, Haman, Johnson of El Dorado, and Ketchum—7.

NOES—Messrs. Anderson, Allen, Baker, Coulter, Dickinson, Goodwin, Grant, Gregory, Holden, Johnson of Sacramento, Lewis, Merritt, Melony, Rogers, Soule, Sullivan, and Taliaferro—17.

So the Senate refused to pass the bill.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 332, entitled an act to provide for the sale of certain property of the state of California, within the water-line of the city and county of San Francisco, and find the same correctly enrolled.

E. GARTER, Chairman.

APRIL 24, 1858.

The Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds, and cancel certain claims.

E. GARTER, Chairman.

Report accepted.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 24, 1858. }

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 282, an act authorizing the Governor, Comptroller, and Treasurer to compromise certain judgments;

The Assembly also receded from its amendments to Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co.;

Also, passed Assembly bill No. 133, an act authorizing the commissioners of the funded debt of the county of Contra Costa to issue certain bonds, to Erastus Bartlett.

J. N. BINGAY, Assistant Clerk.

GENERAL FILE.

Senate bill No. 340, an act to authorize the Secretary of State to insure the state library, was read a third time, and passed.

Assembly bill, an act to extend the terms of office of the board of supervisors in certain counties in this state, was read third time, and passed.

Mr. Garter offered the following resolution:

Resolved, That four additional assistant clerks be allowed to the enrolling clerk of the Senate Committee on Enrolled Bills, for to-day, and that the proper authorities be directed to audit and allow such clerks pay for services.

Assembly bill No. 384, an act concerning trustees, other than executors, was indefinitely postponed.

Senate bill No. 225, an act for the relief of partners and joint-debtors, was laid on the table.

Senate bill No. 341, an act appropriating money for the benefit of the orphan asylum of San Francisco, was laid on the table.

Assembly bill No. 184, an act to define the head of navigation of the Mokelumne River, was indefinitely postponed.

Senate bill No. 294, an act concerning partition deeds of minors, in certain cases, was laid on the table.

Assembly bill No. 238, an act granting certain powers to the board of education of the city and county of San Francisco, was read third time, and passed.

Assembly bill 363, an act to amend the one hundred and twelfth section of an act entitled an act to provide revenue for the support of the government of this state, passed May 15th, 1854, was indefinitely postponed.

Assembly bill No. 274, an act concerning goods, wares, and merchandise contained in packages, and usually sold by weight, was amended, read third time, and passed.

Assembly bill 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses, was read a third time, and passed.

Mr. Rogers, of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Senate Enrolling Committee have examined, and find correctly enrolled, Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements to the state asylum for the insane.

GEO. H. ROGERS, of Committee.

Assembly bill 477, an act to amend an act entitled an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5th, 1856, was read third time, and passed.

Assembly bill 422, an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad, was laid on the table.

Assembly bill No. 486, an act for the relief of H. M. Fanning, was indefinitely postponed.

Senate bill No. 287, an act to fix the compensation of the collection of foreign miners' licenses, in the county of Siskiyou, was indefinitely postponed.

Mr. Garter, chairman of Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Committee on Enrolled Bills have examined, and found correctly enrolled, Senate bill No. 347, an act making addi-

tional appropriations for deficiencies in appropriations heretofore made for the pay of officers and clerks of the Senate for the ninth fiscal year ;

Also, Senate bill No. 229, an act to audit the claim of J. Tyson.

E. GARTER, Chairman.

Report accepted.

On motion of Mr. Melony, the vote by which the Senate indefinitely postponed Assembly bill No. 318, an act amendatory of and supplementary to an act concerning estray animals, passed April 19, 1856, was reconsidered, the bill was read third time, and rejected.

Senate bill No. 485, an act for the relief of certain persons, was read a third time, and passed.

Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857, was passed.

Assembly bill No. 306, an act to provide for the recovery of the possession of lands, in certain cases, in this state, and for the protection of settlers—

Mr. Ferguson of Sacramento moved a call of the Senate.

Lost.

Mr. Burch offered the following amendment :

Add to the nineteenth section, " Nothing in this act shall be so construed as to have a retroactive effect."

Upon which, the ayes and noes were demanded by Messrs. Griffith, Ferguson of Sacramento, and Melony, and taken, with the following result : Ayes, 15—noes, 9 :

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Hamm, Johnson of El Dorado, Phelps, Soule, and Sullivan—15.

NOES—Messrs. Allen, Coulter, Goodwin, Griffith, Holden, Johnson of Sacramento, Ketchum, Lewis, and Melony—9.

So the amendment was adopted.

Mr. Johnson of Sacramento gave notice of a reconsideration of the vote just taken.

Mr. Gregory moved to strike out, in section second, the words " whether the consent be express or implied."

Upon which, the ayes and noes were demanded by Messrs. Burch, Gregory, and Berry.

Mr. Allen moved a call of the Senate.

Carried.

Roll called.

Sergeant-at-arms dispatched for absentees.

Mr. Johnson moved to dispense with further proceedings under the call.

Upon which, the ayes and noes were demanded by Messrs. Burch, Thom, and Berry, and taken, with the following result : Ayes, 12—noes, 14 :

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Garter, Grant, Gregory, Johnson of El Dorado, Merritt, Phelps, and Sullivan—12.

NOES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Rogers, and Soule—14.

So the Senate refused to suspend the call.

On motion, further proceedings were dispensed with.

The question recurring on the amendment of Mr. Gregory, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 11—noes, 15:

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Ferguson of Sierra, Garter, Grant, Gregory, Johnson of El Dorado, and Sullivan—11.

NOES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Goodwin, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Phelps, Rogers, and Soule—15.

So the amendment was lost.

Mr. Burch moved to strike out, in section three, the words, "and said lien shall have priority of all other liens."

Upon which, the ayes and noes were demanded by Messrs. Gregory, Burch, and Berry, and taken, with the following result: Ayes, 10—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Garter, Grant, Gregory, Hamm, Johnson of El Dorado, and Sullivan—10.

NOES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Phelps, Rogers, and Soule—14.

So the amendment was lost.

* The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
April 24, 1858. }

MR. PRESIDENT:—The Assembly, to-day, concurred in Senate amendments to Assembly bill No. 391, an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, A. D. 1857;

And, passed Senate bill No. 322, an act to audit and allow the claim of E. F. Beale, for expenses incurred in the settlement of Indian difficulties in the year 1856;

Also, passed Senate bill No. 336, an act to authorize the sale of the real estate of the late W. E. P. Hartnell, deceased.

J. NORMAN BINGAY, Assistant Clerk.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 349, an act to extend the time for making the assessment and collection of taxes in the county of Nevada;

Also, passed Senate bill No. 342, an act supplementary to an act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debts by said city.

J. NORMAN BINGAY, Assistant Clerk.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,
April 24, 1858. }

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 453, an act to appropriate money to pay certain indebtedness of the state in a sane asylum;

Also, passed Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes, by the act of Congress, passed March 3d, A. D. 1853;

Also, passed Assembly bill No. 482, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29th, 1857;

Also, concurred in Senate amendments to Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

J. N. BINGAY, Assistant Clerk.

Assembly bill No. 453 was read first and second times, and referred to the Committee on Hospitals.

Assembly bill No. 482 was read first and second times, and referred to the Committee on Finance.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, to-day, passed Senate bill No. 278, an act for the relief of Michael Fennell;

Also, Senate bill No. 334, an act for relief of John C. Hays, late sheriff of the county of San Francisco.

J. N. BINGAY, Assistant Clerk.

Mr. Johnson of Sacramento, according to notice, moved to reconsider the vote by which the Senate adopted amendment of Mr. Burch, to Assembly bill No. 306, upon which, the ayes and noes were demanded by Messrs. Anderson, Johnson of Sacramento, and Burch.

Mr. Melony moved the previous question.

Sustained.

Motion being "Shall the main question be now put?"

Carried.

Main question being on Mr. Johnson's motion to reconsider, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 13—noes, 14:

AYES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Goodwin, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, and Rogers—13.

NOES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Ferguson of Sierra, Garter, Grant, Gregory, Hamm, Johnson of El Dorado, Phelps, Soule, and Sullivan—14.

So the Senate refused to reconsider.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Burch, Johnson of El Dorado and Berry, and taken, with the following result: Ayes, 18—noes, 9:

AYES—Messrs. Allen, Bell, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Grant, Gregory, Griffith, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Melony, Phelps, Rogers, and Soule—18.

NOES—[The names do not appear in the MS.]

So the bill was passed.

Messrs. Grant and Gregory gave notice of a motion to reconsider the vote just taken.

Mr. Ferguson of Sacramento, moved to suspend the twentieth rule of the Senate, and that the Secretary be instructed to report immediately to the Assembly, Assembly bill No. 306.

Upon which, the ayes and noes were demanded by Messrs. Anderson, Berry, and Burch, and taken, with the following result: Ayes, 14—noes, 11:

AYES—Messrs. Allen, Burch, Coulter, Ferguson of Sacramento, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Melony, and Rogers—14.

NOES—Messrs. Anderson, Baker, Berry, Bell, Dickinson, Grant, Gregory, Phelps, Soule, Sullivan, and Thom—11.

So the motion was lost, it requiring a two-third vote to suspend the rules.

Mr. Garter chairman of the Committee on Enrollment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the 23d day of April, 1858, at four o'clock, p. m., presented to the Governor, for his approval, the following bills, viz.:

Senate bill No. 233, an act to grant the right of way to certain persons, therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon;

Also, Senate bill No. 217, an act to audit the claim of Baker & Swinerton;

Also, Senate bill No. 221, an act for the relief of D. L. Mulford.

E. GARTER, Chairman.

GENERAL FILE RESUMED.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges—

Amendments of Assembly concurred in.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24, 1858. }

To the Senate of California:

I have, this day, approved an act for the relief of D. L. Mulford.

JOHN B. WELLER.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
April 24, 1858. }

MR. PRESIDENT:—The Assembly have, this day, passed Assembly bill

No. 315, an act to establish the pay of officers and employees of the Senate and Assembly, and to repeal existing laws relating thereto.

J. NORMAN BINGAY, Assistant Clerk.

Assembly bill No. 315 read first and second times.

On motion of Mr. Burch, the rules were suspended, bill read a third time, and passed.

GENERAL FILE RESUMED.

Senate concurrent resolution No. 42, relative to the better protection of settlers, was taken up, amended, and adopted.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Senate Enrolling Committee have examined, and found correctly enrolled, Senate bill No. 322, an act to audit and allow the claim of E. F. Beale, for expenses incurred in settlement of Indian difficulties in the year 1856.

E. GARTER, Chairman.

Report accepted.

On motion of Mr. Melony, Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather River, was taken from the table.

Mr. Burch moved to amend the last section of the bill by inserting, after the word "fix," the words "and regulate."

Mr. Goodwin moved the previous question.

Sustained.

The question, then, being "Shall the main question be now put?" was put, and carried.

The main question being on the adoption of the amendment offered by Mr. Burch, the ayes and noes were demanded by Messrs. Burch, Hamm, and Merritt, and taken, with the following result : Ayes, 15—noes, 12 :

AYES—Messrs. Anderson, Allen, Baker, Burch, Coulter, Dickinson, Ferguson of Sierra, Hamm, Johnson of El Dorado, Lewis, Merritt, Phelps, Sullivan, Taliaferro, and Thom—15.

NOES—Messrs. Berry, Bell, Ferguson of Sacramento, Garter, Goodwin, Grant, Griffith, Holden, Johnson of Sacramento, Melony, Rogers, and Soule—12.

So the amendment was adopted, and bill read a third time, and passed.

Mr. Garter, chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Senate Enrolling Committee have examined, and found correctly enrolled, Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark ;

Also, Senate bill No. 349, an act to extend the time for making the assessment and collection of taxes in the county of Nevada.

E. GARTER, Chairman.

Report accepted.

Mr. Lewis offered the following resolution :

Resolved, That the sergeant-at-arms of the Senate be allowed —— days from the adjournment of the Legislature to settle up the business

pertaining to his office, and that the Comptroller be authorized to draw his warrant on the contingent fund for the payment of the same.

Mr. Dickinson moved to insert "four."

Adopted, and the resolution passed.

Mr. Melony, chairman of the Committee on Agriculture, reported back Assembly bill No. —, recommending the passage of the same.

Mr. Melony moved to suspend the rules, and consider the bill now.

Upon which, the ayes and noes were demanded by Messrs. Rogers, Melony, and Soule, and taken, with the following result: Ayes, 14—noes, 10:

AYES—Messrs. Bell, Ferguson of Sacramento, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Melony, Rogers, Taliaferro, and Thom—14.

NOES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Ferguson of Sierra, Goodwin, Ketchum, Lewis, and Soule—10.

So the motion to suspend the rules was lost.

Mr. Rogers offered the following resolution:

Resolved, That the secretary, assistant secretary, and journal clerk of the Senate be, and they are hereby, allowed thirty days each after the adjournment of the Legislature, to write up and deliver to the Secretary of State, as required by law, the journals and other work of the Senate, and the Comptroller of State is hereby authorized and directed to draw his warrant on the Treasurer, payable out of the appropriation for the payment of officers and attachés of Senate and Assembly.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Rogers, Ferguson of Sierra, and Melony.

Mr. Soule moved to strike out "thirty" and insert "twenty," for the assistant and journal clerks.

Lost.

Mr. Dickinson moved to strike out "thirty" and insert "twenty."

Lost.

The question recurring on the passage of the resolution, the ayes and noes having been demanded, the roll was called, with the following result: Ayes, 17—noes, 13:

AYES—Messrs. Allen, Bell, Ferguson of Sacramento, Garter, Grant, Gregory, Griffith, Hamm, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Melony, Phelps, Rogers, and Soule—17.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Goodwin, Hart, Johnson of El Dorado, Sullivan, Taliaferro, and Thom—13.

So the resolution was passed.

Mr. Garter, chairman of Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the 24th day of April, at fifteen minutes past twelve o'clock, P. M., presented to the Governor, for his approval, Senate bill No. 315, an act to audit and allow the claim of the late Hamilton Bowie;

Also, on the same day, at twenty minutes past two o'clock, p. m., Senate bill No. 121, an act to audit the claim of William Wright;

Also, at the same time, Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco, to execute certain deeds, and cancel certain claims;

Also, at the same time, Senate bill No. 332, an act to provide for the sale of certain property of the state of California within the water-line front of the city of San Francisco;

Also, at quarter past three o'clock, p. m., of the same day, Senate bill No. 347, an act making additional appropriations for deficiencies in appropriations heretofore made for pay of officers and clerks of the Senate, for the ninth fiscal year;

And, at the same time, Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements at the state asylum for the insane;

And, also, at the same time, Senate bill No. 229, an act to audit the claim of J. Tyson;

Also, on the same day, at four o'clock p. m., Senate bill No. 335, an act to audit the claim of G. D. Bliss & Co.;

And, at the same time, No. 193, an act to audit the claim of Pacific Express Company;

Also, at the same time, Senate bill No. 278, an act for the relief of Michael Fennell;

Also, at the same time, Senate bill No. 322, an act to audit and allow the claim of E. F. Beale, for expenses incurred in the settlement of Indian difficulties, in the year 1856.

E. GARTER,
Chairman Enrolling Committee.

Report accepted.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24, 1858.

To the Senate of California:

I herewith return to your honorable body, without my approval, an act to audit the claim of William Wright, as it requires the signature of the president of the Senate, before it can be considered by me.

JOHN B. WELLER.

The president stated that the bill had not been presented for his signature, and signed the bill, and directed its return to the Enrolling Committee, to be re-presented to the Governor.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24th, 1858.

To the Senate of California:

I have, this day, approved an act to repeal the sixth section of an act entitled an act concerning the receipts and expenditures of the state, approved February 7, 1857.

JOHN B. WELLER.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, to-day, passed Assembly bill No.

486, an act to authorize the settlement of the accounts of James M. Estell and John F. McCauley, arising out of state prison matters, as a substitute for Senate bill No. 260.

J. N. BINGAY, Assistant Clerk.

Assembly bill No. 486 was read first and second times, and, on motion of Mr. Goodwin, the rules were further suspended, and bill read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Anderson, Grant, and Rogers, and taken, with the following result: Ayes, 25—noes, 3.

AYES—Messrs. Burch, Bell, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Rogers, Soule, Sullivan, Taliaferro, and Thom—25.

NOES—Messrs. Anderson, Baker, Berry—3.

So the bill was passed.

Mr. Bell moved to take from the file Assembly bill No. 403, an act providing for registration of marriages, births, divorces, and deaths, in California, upon which, the ayes and noes were demanded by Messrs. Bell, Berry, and Johnson of El Dorado, and taken, with the following result: Ayes, 15—noes, 4.

AYES—Messrs. Burch, Bell, Coulter, Ferguson of Sacramento, Garter, Goodwin, Grant, Gregory, Hart, Johnson of Sacramento, Ketchum, Soule, Sullivan, Taliaferro. Thom—15.

NOES—Messrs. Anderson, Berry, Johnson of El Dorado, and Lewis—4.

So the bill was taken up, read a third time, and passed.

Mr. Berry gave notice of a reconsideration of the vote just taken.

On motion of Mr. Berry, Assembly bill No. 152, an act to provide for the payment of the expenses incurred in survey of the boundary line between the counties of Tuolumne and Stanislaus, in the year 1854, was taken from the file, read a third time, and passed.

On motion of Mr. Goodwin, Senate bill No. 144, an act appropriating money for the support of the state prison, was taken from the table, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Goodwin, Burch, and Anderson, and taken, with the following result: Ayes, 21—noes, 5:

AYES—Messrs. Bell, Coulter, Dickinson, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hamm, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Rogers, Sullivan, Taliaferro, and Thom—21.

NOES—Messrs. Anderson, Baker, Berry, Burch, and Soule—5.

So the bill was passed.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
April 24, 1858. }

MR. PRESIDENT:—The Assembly have, this day, concurred in Senate

amendments to Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857;

And, passed Senate bill No. 344, an act to repeal an act entitled an act to incorporate the town of San Luis Obispo, approved April 19, 1856;

Also, passed Senate bill No. 345, an act to amend an act to provide for the incorporation of railroad companies, passed April 22, 1853, and an act amendatory thereof, passed April 14, 1856;

Also, passed Senate bill No. 339, an act to pay the Treasurer of State for extra services.

J. N. BINGAY, Assistant Clerk.

The following communication was received by the president:

SACRAMENTO CITY, April 24, 1858.

To the Hon. Joseph Walkup, President of the Senate:

I hereby resign the office of state senator, from the eighth senatorial district, composing the counties of Contra Costa and San Joaquin, to take effect from this date.

A. R. MELONY.

Mr. Merritt moved that the secretary be instructed to report to the Assembly, all bills which have passed, and on which notices of reconsideration were pending.

Pending which, Mr. Phelps moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Burch, Merritt, and Dickinson, and taken, with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Dickinson, Garter, Grant, Gregory, Ketchum, Phelps, Soule, Sullivan, Taltierro, and Thom—15.

NOES—Messrs. Allen, Coulter, Ferguson of Sacramento, Ferguson of Sierra, Goodwin, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, and Rogers—14.

So the Senate stood adjourned.

Approved.

JOS. WALKUP, President Senate.

Attest: THOS. N. CAZNEAU, Secretary Senate.

IN SENATE.

MONDAY, April 26, 1858.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

On motion of Mr. Merritt, the reading of the journals of Saturday were dispensed with.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 26, 1858.

To the Senate of California:

Some doubts having been expressed in regard to the regularity of the nomination heretofore made, I now nominate and appoint A. R. Melony, Esq., late senator from the counties of San Joaquin and Contra Costa, to the office of Comptroller of State, to supply the vacancy produced by the failure of J. W. Mandeville to qualify. I respectfully ask the confirmation of your honorable body.

JOHN B. WELLER.

The question being on confirming the appointment, the roll was called, with the following result: Ayes, 26—noes, none.

AYES—Messrs. Anderson, Baker, Berry, Burch, Bell, Coulter, Dickin-
 son, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant,
 Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson
 of El Dorado, Ketchum, Lewis, Phelps, Rogers, Soule, Sullivan, and
 Thom—26.

So the nomination was confirmed.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 26, 1858.

To the Senate of California:

I return, herewith, to your honorable body, with my approval, an act making appropriations for the support of the civil government of the state, for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859, inclusive.

I beg leave to call the attention of your honorable body to the fact, that this bill makes no appropriation to pay the mileage of sheriffs for transporting convicts to the state prison. This may have been made in some one of the bills which have passed the Legislature. If so, it escaped my observation. This item is usually inserted in the general appropriation bill. If it was accidentally omitted, I trust provision will be made before you adjourn.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 26, 1858.

To the Senate of California:

I have, this day, approved an act to extend the time of making the assessments and collection of taxes in the county of Nevada;

Also, an act making additional appropriations for deficiencies in appropriations heretofore made for the pay of officers and clerks of the Senate for the ninth fiscal year;

Also, an act to audit the claim of William Wright;

Also, an act to audit the claim of J. Tyson;

Also, an act to appropriate money for the erection of additional buildings, and make other improvements to the state asylum for the insane;

Also, an act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 22d, 1853, and an act amendatory thereof, passed April 14th, 1856;

Also, an act to audit and allow the claim of Edward F. Beale, for expenses incurred in the settlement of Indian difficulties in the year 1856;

Also, an act for the relief of John C. Hays, late sheriff of the county of San Francisco;

Also, an act to audit and allow the claim of the late Hamilton Bowie;

Also, an act to provide for the sale of certain property of the state of California within the water-line-front of the city and county of San Francisco;

Also, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds and cancel certain claims;

Also, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to the state for school purposes by act of Congress, passed March 3d, 1853;

Also, an act supplementary and amendatory to an act entitled an act to provide for the incorporating of railroad companies, passed April 22d, 1853, and to the several acts amendatory and supplementary thereto;

Also, an act authorizing the Governor, Comptroller, and Treasurer, to compromise certain judgments;

Also, an act to audit and allow the claim of G. D. Bliss & Co.;

Also, an act authorizing Andrew P. Jackson to construct a wharf in Solano county;

Also, an act to repeal an act entitled an act to incorporate the town of San Luis Obispo, approved February 19, 1856;

Also, an act amendatory of and supplementary to an act to reorganize and establish the county of San Mateo, approved April 18, 1857;

Also, an act to grant the right to construct a bridge across the American River at its mouth, to certain parties therein named;

Also, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the county of Solano;

Also, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28th, 1857;

Also, an act to audit the claim of Pacific Express Company;

Also, an act supplementary to an act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debts by said city;

Also, an act to authorize the sale of the real estate of the late Wm. E. P. Hartnell, deceased;

Also, an act to audit and allow the claim of Reuben S. Clark;

Also, an act to pay the Treasurer of State for extra services;

Also, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 26, 1858. }

To the Senate of California:

I return, herewith, to your honorable body, without my approval, an act for the relief of Michael Fennell.

This bill appropriates six thousand dollars, to cover losses which, it is alleged, the contractor on the insane asylum sustained, in consequence of the depreciation of state warrants, after decision of the Supreme Court upon the subject of our public debt.

If the principle is once established, that the state is liable for this depreciation upon its bonds or warrants, or for the losses which individuals

have sustained, by dealing in its obligations, the treasury would be irretrievably ruined.

I cannot, therefore, sign this bill.

JNO. B. WELLER.

The question being on the passage of the bill relative to Michael Fennell, notwithstanding the objections of the Governor, the roll was called, with the following result: Ayes, 16—noes, 10:

AYES—Messrs. Berry, Bell, Ferguson of Sacramento, Goodwin, Grant, Griffith, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Rogers, and Sullivan—16.

NOES—Messrs. Anderson, Baker, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Soule, and Thom—10.

So the Senate refused to pass the bill.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 26, 1855. }

To the Senate of California:

I return, herewith, to your honorable body, without my approval, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28th, 1855.

This bill is returned, because I have the most satisfactory evidence that it is not (although properly attested) the one which passed the Legislature.

Subsequently to the reception of this act, another, on the same subject, was placed in my hands, which I am satisfied is the correct one. Both of them are signed by the officers of the respective Houses. The last one received will remain in my hands for the present.

JOHN B. WELLER.

The question being "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 3—noes, 22:

AYES—Messrs. Coulter, Ferguson of Sacramento, and Merritt—3.

NOES—Messrs. Anderson, Baker, Berry, Burch, Bell, Dickinson, Garter, Goodwin, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Phelps, Rogers, Soule, Sullivan, and Thom—22.

So the Senate refused to pass the bill.

Mr. Merritt moved to dispense with the reading of the journals.

Upon which, the ayes and noes were demanded by Messrs. Burch, Thom, and Lewis, and taken, with the following result: Ayes, 11—noes, 16:

AYES—Messrs. Bell, Ferguson of Sacramento, Goodwin, Grant, Griffith, Hamm, Holden, Johnson of El Dorado, Lewis, Merritt, and Rogers—11.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Ferguson of Sierra, Garter, Gregory, Hart, Johnson of Sacramento, Ketchum, Phelps, Soule, Sullivan, and Thom—16.

So the motion was lost.

The reading of the journal was continued.

Pending which, a concurrent resolution, appointing a committee to wait on the Governor, announcing that the Legislature was now ready to adjourn, was announced from the Assembly.

Mr. Ferguson of Sacramento moved to take up the resolution.

Mr. Anderson moved a call of the Senate.

Upon which, the ayes and noes were demanded by Messrs. Anderson, Baker, and Berry, and taken, with the following result: Ayes, 8—noes, 15:

AYES—Messrs. Anderson, Baker, Berry, Burch, Dickinson, Gregory, Soule, and Thom—8.

NOES—Messrs. Bell, Coulter, Ferguson of Sacramento, Grant, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Phelps, Rogers, and Sullivan—15.

So the motion was lost.

The question recurring on Mr. Ferguson's motion to consider the resolution, the ayes and noes were demanded by Messrs. Baker, Anderson, and Thom, and taken, with the following result: Ayes, 16—noes, 10:

AYES—Messrs. Bell, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Lewis, Merritt, Rogers, and Sullivan—16.

NOES—Messrs. Anderson, Baker, Berry, Burch, Coulter, Dickinson, Gregory, Ketchum, Phelps, and Soule—10.

So the motion was lost, it requiring a two-thirds vote.

The secretary proceeded to read the journals.

Mr. Griffith moved to suspend the further reading, and consider Assembly message.

Upon which, the ayes and noes were demanded by Messrs. Soule, Baker, and Anderson, and taken, with the following result: Ayes, 19—noes, 8:

AYES—Messrs. Burch, Bell, Ferguson of Sacramento, Ferguson of Sierra, Garter, Goodwin, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Ketchum, Lewis, Merritt, Rogers, Sullivan, and Thom—19.

NOES—Messrs. Anderson, Baker, Berry, Coulter, Dickinson, Johnson of El Dorado, Phelps, and Soule—8.

So the motion was carried.

Assembly concurrent resolution was then taken up.

Mr. Berry moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded by Messrs. Anderson, Baker, and Berry, and taken, with the following result: Ayes, 4—noes, 18.

AYES—Messrs. Coulter, Dickinson, Goodwin, and Phelps—4.

NOES—Messrs. Anderson, Baker, Berry, Burch, Bell, Ferguson of Sacramento, Ferguson of Sierra, Garter, Grant, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Rogers, Soule, and Sullivan—22.

So the motion was lost.

The hour of twelve having arrived, the president directed the secretary to read the following resolution, heretofore adopted by both houses:

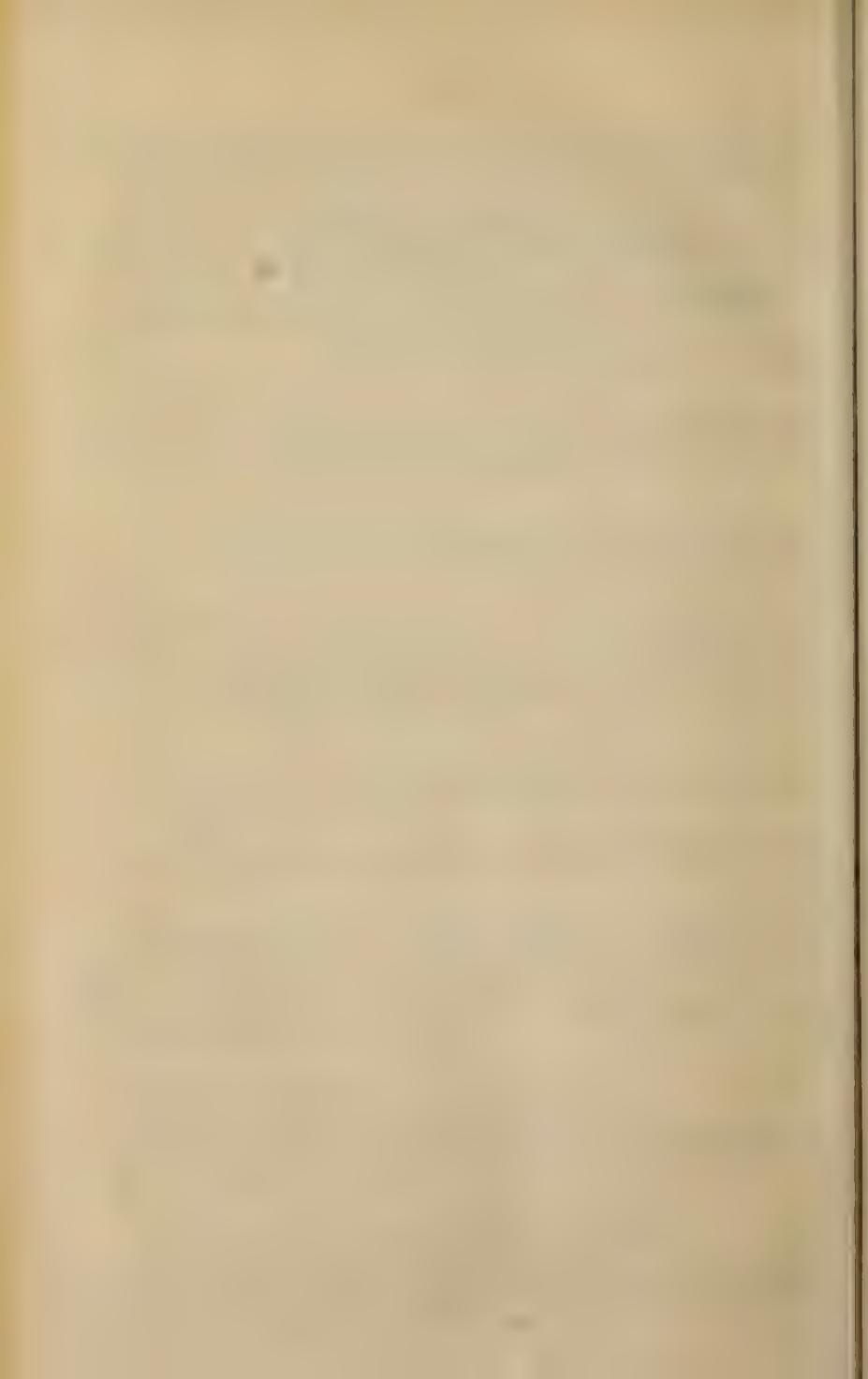
Resolved, By the Senate, the Assembly concurring, that the Legislature will adjourn *sine die*, on Monday, April 26, at 12 o'clock, M.

Whereupon, the president declared the Senate adjourned *sine die*.

Approved.

JOS. WALKUP, President of the Senate.

Attest: THOS. N. CAZNEAU, Secretary of Senate.



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1	An Act to appropriate Money for Postage and Express purposes, during the present Session of the Legislature. Holden, 9.	15	15	15	16	
2	An Act to amend an Act entitled an Act to regulate Fees in Office in the County of Yuba, approved April 28, 1857. Goodwin, 17.	71				

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
3	An Act to repeal an Act entitled an Act to amend an Act to regulate Fees in Office, approved April 10, 1855, approved April 5, 1856, and to revive the Act thereby repealed. Soule, 8.	71		435		
4	An Act to authorize the Board of Supervisors of the City and County of San Francisco to direct the Auditor of said City and County to Audit, and the Treasurer of the same to Pay, certain Claims therein mentioned. Soule, 9.	71	95	95	112, 127	112, 201
5	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Phelps, 16.	71				78, 332
6	An Act supplemental to an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853. Merritt, 74.	74	264, 439			193, 219 263, 288 341, 397 421, 505 538
7	An Act to amend an Act entitled an Act to amend an Act to fix the Time for holding the Terms of the District Courts throughout this State, passed May 18, 1853. Anderson, 163.	370			89	
8	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Ferguson, of Sacramento, 171.	171	265	290, 291 322	500	204, 171 232, 246 266, 273 279, 313 318, 321
9	An Act to Separate the Offices of County Recorder and County Auditor, Clerk of the Board of Supervisors and Clerk of the Board of Equalization, from the Office of County Clerk, in the County of Placer. Anderson, 9.	82	90	106	150	88
10	An Act to amend an Act entitled an Act to create the County of Del Norte, to define its Boundaries, and to provide for its Organization, passed March 2, 1857. Berry, 16.	82	112	120	157	
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13	An Act to authorize the Treasurer of the City and County of San Francisco to Execute certain Deeds. Grant, 82.	85	584, 607	584	646	539
14	An Act concerning Divorces. Phelps, 82.	85	153			117, 121
15	An Act to repeal an Act for the Relief of Insolvent Debtors, and Protection of Creditors, passed May 4, 1852. Burch, 16.	85	398	418		331, 332 375
16	An Act concerning the Board of Supervisors of the Counties of Amador and Calaveras. Ketchum, 16.	85				95
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18	An Act amendatory of and supplemental to an Act entitled an Act submitting to the people of El Dorado and Sacramento Counties a proposal to appropriate Money for the Construction of a Wagon Road. Johnson, of El Dorado, 74.	89		183, 272	202, 314	
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20	An Act amendatory and supplemental to an Act entitled an Act to regulate Proceedings in Civil Cases, passed April 29, 1851. Griffith, 86.	89				205, 232 244, 265 266, 279
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22	A Bill to be entitled an Act to amend the Sixth Section of an Act entitled an Act defining the Rights of Husband and Wife. Mesick, 89.	89	116		157	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
23	An Act amendatory of and supplemental to an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853, and an Act entitled an Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853, passed April 30, 1855. Thom, 16.	94	177, 187 216	188, 216 223	452	144, 184 209, 214 232, 247
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28	An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, approved April 29, 1851. Griffith, 89.	98	284	320, 343		283, 285 286, 435
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BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	to Fund the Debt of the County of Siskiyou, approved April 29, 1857. Berry, 75.					
36	An Act supplementary to and amendatory of an Act to provide Revenue for the support of the Government of this State, passed April 29, 1857. Chase, 94.	108	161	172, 232	489	125, 135 169, 186 208, 224 229, 230
37	An Act granting to Mathew Wood the Right to Construct a Wire Suspension Truss Bridge across the Yuba River. Allen, 110.	110				494 237, 285 290, 312 473
38	An Act to amend an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, approved April 25, 1857. Berry, 16.	110				545
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45	An Act to Change and Fix the Official Bonds of certain Officers in the County of San Luis Obispo. Pacheco, 111.	116	147	158	375	146, 440

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
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48	An Act to authorize Andrew J. Moulder, James Van Ness and William McKibben, in the capacity of a Board of Fund Commissioners, and Edmund Randolph, Chairman of the Board of Examiners, to sign certain Papers and issue certain Bonds. Soule, 120.	122	152	158	228	140
49	An Act amendatory of and supplemental to an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850. Garter, 110.	124				186, 285 289
50	An Act authorizing the Changing of the Names of Persons. Burch, 124.	124	139	139		147
51	An Act to appropriate Money for Expenses of the State Library. Garter.			135	157	125
52	An Act concerning the Office of County Clerk of Placer County. Anderson, 128.	128		152	160	
53	An Act defining the Duties of Sheriffs and Tax Collectors of certain Counties therein named, in the Collection of Taxes. Griffith, 94.	98	147	158		
54	An Act repealing certain Provisions contained in the Act to regulate the Interest of Money, passed March 13, 1850. Bell, 8.	8				628
55	An Act concerning Chattel Mortgages in this State. Carpenter, 122.	134				238, 285 287
56	An Act to provide for a Convention to Change and Revise the Constitution of this State. Burch, 340.	340	255	224		136, 163, 209 213, 237, 278 300, 305, 314 318, 319
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No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
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69	An Act to provide for the Authentication of certain Records. Johnson, of El Dorado, 137.	143				175, 286
70	An Act to Reimburse John J. Brown, E. E. Eyre, J. H. Culver and John Arnold, for amount of Money paid by them on account of Rent of the State Armory. Berry, 137.	143	300	323	435	
71	An Act to amend Section 20 of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Johnson, of El Dorado, 137.	143	158, 164	166, 177		

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
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73	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Phelps, 217.	217				332
74	An Act for the Relief of the Mountain Lake Water Company. Grant, 146.	146	182	201, 358	357	176, 177
75	An Act to Release B. S. Gray from Liability to the State of California. Ferguson, of Sacramento, 151.	151	158	158, 161	202	
76	An Act repealing all Acts, and parts of Acts, relating to Divorces. Bell, 153.	153				
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78	An Act to authorize the District Attorney of the City and County of San Francisco to appoint an Assistant, and to fix his Salary. Grant, 151.	151				215
79	An Act to authorize the State Treasurer to Endorse certain Warrants. Burton, 151.	151	193	199	209	182
80	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to Allow, Confirm and Direct the Auditing of certain Claims therein mentioned, approved April 27, 1857. Grant, 151.	151				
81	An Act to amend an Act to regulate Fees in Office, approved April 10, 1855. Merritt, 150.	150				205
82	An Act to repeal an Act entitled an Act to provide for the Construction of Canals, and for Draining and Reclaiming certain Swamp and Overflowed Lands in Tulare Valley, approved April 11, 1857. Burch.		156	314	465	156, 160 285, 317
83	An Act to repeal an Act passed March 26, 1851, entitled an Act to Incorporate the City of Sacramento, and the	362	377, 382	415	546	362, 381 387, 388 410, 414

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	several Acts supplementary and amendatory thereto, and to Incorporate the City and County of Sacramento. Johnson, of Sacramento, 362.					
84	An Act concerning the City of San Francisco, and to Ratify and Confirm certain Ordinances of the Common Council of said city. Sullivan, 157.	157	256	270	277	183
85	An Act to further Extend the Act concerning Corporations, passed April 22, 1850. Soule, 157.	157		202	240	175, 187 201, 206
86	An Act for the Relief of B. F. Hastings. Burton.		161	167, 194	194	159
87	An Act to Audit the Claim of B. F. Hastings. Burton.		161	167	194	
88	An Act to amend an Act entitled an Act to provide for the Sale of the Swamp and Overflowed Lands, approved April 28, 1855. Burton, 160.	160	399	430		159
89	An Act to provide for the Construction of a Branch Wagon Road in the County of El Dorado, and to authorize the Board of Supervisors of said County to levy a Special Tax for that purpose. Carpenter, 151.	162	177	272	202, 314	
90	An Act to amend an Act concerning Courts of Justice of this State, and Judicial Officers, passed May 19, 1853. Anderson, 163.	163	215, 334	223	355	334
91	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Anderson, 163.	163	416	416		409
92	An Act concerning County Treasurers. Johnson, of Sacramento, 163.	163	181	219, 237	614	186, 193 193, 215 216
93	An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors and Protection of Creditors, passed May 4, 1852. Sullivan, 164.	164	182	193	296	
94	An Act to establish the Legal Distances from the County Seat of Tehama County to the Capital, Lunatic Asylum, and State Prison. Garter, 164.	164				
95	An Act to Audit the Claim of H. W. Larkin. Burton, 136.	136	169	175	192	163

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
96	An Act concerning the Official Bonds of Public Administrator and Coroner in the County of Yolo. Griffith, 166.	166			177	
97	An Act making an Appropriation for the Redemption of State Temporary Loan Bonds of 1850. Grant, 165.	165				181
98	An Act to Suppress Gaming. Goodwin, 125.	169	284	299	476	521
99	An Act to amend an Act entitled an Act to regulate Fees in Office. Approved April 10, 1855. Bell, 172.	172	172	223	223	
100	An Act making Appropriation for the Payment of A. J. F. Phelan for Services rendered by him. Griffith, 144.	172	193	199	261	
101	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice. Berry, 172.	172	470	505		329
102	An Act to amend an Act concerning Jurors, passed May 3, 1852. Burch, 125.	172				644
103	An Act supplementary to and amendatory of an Act to authorize the Issuance of Duplicates for certain lost War Bonds, passed January 29, 1858. Allen, 169.	177			192	
104	An Act requiring County Recorders to forward to the Surveyor General certain Affidavits in relation to Swamp and Overflowed Lands. Holden, 176.	176	214	214	232	
105	An Act to repeal an Act to authorize Married Women to transact Business in their own Names, as Sole Traders, passed April 12, 1852. Merritt, 84.	84	218	254		202, 226 238, 253 393
106	An Act to regulate Fees in Office in and for the Counties of Colusa and Tehama. Garter, 164.	180				
107	An Act to Audit the Claims of A. Ainsa for Translating the Laws of 1856 into the Spanish Language. Burton.		193	199	228	187
108	An Act for the Relief of Thomas R. Eldridge, for Correcting Proof of Spanish Laws of 1856. Burton, 181.	181	193	279	359	187, 199 270
109	An Act to amend an Act entitled an Act concerning Forcible Entries and Unlawful Detainers, passed April 22, 1850. Bell, 186.	186	206	223	355	202

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
110	An Act to furnish the Surveyor General's Office with certain Manuscript Maps, and to provide the State Officers and Public Schools with a Map of California. Johnson, of Sacramento, 186.	186				290
111	An Act amendatory of an Act entitled an Act concerning Jurors, passed May 3, 1852. Bell, 186.	186				628
112	An Act to provide for the Sale of the Sixteenth and Thirty-sixth Sections of Land donated to this State for School purposes, by Act of Congress, passed March 3, 1853. Holden, 82.	92	394	430	576,686	280,292 296,341 357,380
113	An Act to Audit and Allow the Claim of Samuel J. Frisbie. Anderson, 192.	192	282	282,299	320	
114	An Act to repeal an Act of March 29, 1856, to establish Pilots and Pilot Regulations for the Port and Harbor of Benicia and Mare Island. Taliaferro, 85.	119				236
115	An Act to change and fix the Time of holding the Court of Sessions and County Court of Yuba County. Goodwin, 192.	192		193	296	
116	An Act to amend an Act entitled an Act to provide for the Incorporation of Water Companies, passed May 3, 1852. Soule, 198.	198				
117	An Act to regulate the Creation of Homesteads. Gregory, 9.	198	520	521,536		495
118	An Act to create the Office of State Librarian, and provide for the Increase and Preservation of the State Library. Gregory, 198.	198	417			367,395 399
119	An Act to provide for the more thorough Distribution of the Laws of this State. Taliaferro, 198.	198	283	295		292
120	An Act to authorize the Board of Supervisors of Siskiyou County to levy an additional Tax for County Expenditures. Berry, 199.	199			209	
121	An Act for the Relief of William Wright. Ferguson, of Sacramento, 206.	206	598	598		279,284 541
122	A Bill for an Act to be entitled an Act authorizing the Construction of a Tele-	205	332	352	357	316,318

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	graph Line from the City of San Francisco to the City of Los Angeles. Ferguson, of Sacramento, 199.					
123	An Act to amend an Act entitled an Act authorizing the formation of Corporations for the Construction of Plank and Turnpike Roads, passed May 12, 1856. Phelps, 206.	208	333	344	489	
124	An Act granting the Right of Way over certain Lands in this State, in the Counties of San Francisco and San Mateo. Phelps, 206.	208	332	364		
125	An Act to amend an Act to provide for the Sale of Swamp and Overflowed Lands belonging to the State, passed April 28, 1855. Ferguson, of Sacramento, 8.	218				
126	An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Phelps, 217.	217				541
127	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved April 29, 1857. Anderson, 222.	222	229	226	229	
128	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved April 29, 1857. Phelps, 222.	222	258	284	615	277
129	An Act to authorize Augustus W. Timms, James Thomson, Francis J. Carpenter, and others, to build a Wharf in the Creek or Bay of Pedro, in the County of Los Angeles. Thom, 222.	222				
130	An Act to repeal an Act entitled an Act defining the Time of commencing Civil Actions in certain cases, approved May 14, 1852, and likewise to repeal the Act supplementary thereto, approved April 2, 1855. Grant, 222.	222				334
131	An Act to provide for the Transfer of Matters pending in the Probate Court in certain cases. Merritt, 224.	224				283
132	An Act to amend an Act declaring Feather River Navigable, passed March 14, 1857. Hart, 236.	236		333	452, 515	
133	An Act to extend the Time for the Collec-	236		255	271	

BILLS. SENATE.

No.	TITLE.	Reported.	Committee of the Whole	Passed Senate.	Passed Assembly.	Further Proceedings.
	tion of Taxes for 1857 in the County of Butte. Hart, 236.					
134	An Act to amend an Act entitled an Act concerning the Eighth, Ninth and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March 31, 1857. Hart, 236.	235		277	365	260
135	An Act to authorize a Special Term of the District Court to be held in the County of Butte, and to fix Time for holding such special term. Hart, 236.	236		277	289	260
136	An Act amendatory of an Act entitled an Act fixing the Times of holding the Terms of the County Court, Court of Sessions, and Probate Court, in Butte County. Hart, 236.	236		277	289	260
137	An Act to provide for the Payment of Volumes Six and Seven of the Reports of the Supreme Court of California. Chase, 236.	236	279	299	472	
138	An Act to amend an Act entitled an Act fixing the Age of Majority of Males and Females, passed May 10, 1854. Burch, 226.	226	259	277	409	
139	An Act creating a State Land Office for the State of California. Holden, 146.	236	359	359, 389 364	472	520
140	An Act for the Relief of James M. Anderson. Griffith, 236.	236				282, 289 318
141	An Act to Audit the Claim of E. L. Brown. Griffith, 238.	238				332
142	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State. Ketchum, 199.	240		362, 371	615	
143	An Act to confer upon the San Francisco and Marysville Railroad Company, an Incorporated Company incorporated under the Laws of this State, certain Rights, Privileges, and for other purposes. Allen, 240.	240	545	545, 565	620	380, 385 408, 437 438, 468 564
144	An Act appropriating Money for the Support of the State Prison. Taliaferro, 263.	263		691		431
145	An Act to amend an Act entitled an Act to grant to certain Parties the Right of	276		278	292	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	laying a Railroad Track along certain Streets within the City and County of San Francisco. Grant, 270.					
146	An Act to provide for the Purchase of the Court House of Sacramento County, for a Capitol. Ferguson, 256.	269	380	381		353, 368 394, 406 407
147	An Act appropriating Money for Transporting to the Insane Asylum certain Insane Convicts. Taliaferro, 281.	281	346	371	472	
148	An Act to Audit the Claim of M. Scott, Jr. Burton.			278	296	
149	An Act for the Relief of Francis R. Crussell. Bell, 279.	279				246, 511 562
150	An Act to repeal an Act entitled an Act for the Protection of Actual Settlers, and to Quiet Land Titles in this State, approved March 26, 1856. Gregory, 276.	276		325	515	631
151	An Act amendatory of an Act entitled an Act concerning Public Ferries and Toll Bridges, passed April 28, 1855. Burch, 270.	276	341	342, 451 687	639	333, 362 397, 418
152	A Bill for an Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Merritt, 276.	276	334	334, 371		
153	An Act to Audit the Account of Brigadier General A. M. Winn, for Military Services. Griffith, 276.	276				
154	An Act entitled an Act to Incorporate the Town of Petaluma. Taliaferro, 280.	288		410	515	
155	An Act authorizing and empowering the County Recorder of Butte to make Certified Copies of certain Records and Indexes of Record of said County, and fixing the amount of his Compensation therefor. Hart, 281.	281		333, 364	393	
156	An Act fixing the amount of Compensation of the Supervisors of Butte County, and the amount of Compensation of the Clerk of the Board of Supervisors of said County. Hart, 281.	281		333, 364	393	
157	An Act to amend an Act entitled an Act to Establish an Asylum for the Insane	281	364, 408 447	448	528	367, 395 399

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	of the State of California, passed May 17, 1857. Taliaferro, 281.					
158	An Act to amend an Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March 30, 1853, amended April 7, 1857. Anderson, 281.	281		362		
159	An Act to Improve the Navigation of Petaluma Creek. Taliaferro, 282.	288	420	305,430 462	462	305,312 318,322 398
160	An Act fixing the Compensation of the Members of the Board of Supervisors of Stanislaus County. Holden, 282.	288	333	333	499	
161	An Act to Audit the Claim of J. M. Anderson. Burton, 273.	273		290		
162	An Act concerning Official Bonds of Justices of the Peace in the Counties of Marin, Sonoma, Mendocino and Monterey. Taliaferro, 295.	295				
163	An Act for the Relief of Alexander Bell. Burton, 289.	289	300	313		321,331
164	An Act for the Relief of S. M. McKenzie. Burton, 289.	289	300			321
165	An Act for the Relief of James D. Potter. Burton, 292.	292	299	323,511	435	
166	An Act making Appropriations for the Support of the Civil Government of the State for the Tenth Fiscal Year, commencing on the 1st day of July, 1858, and ending on the 30th day of June, 1859, inclusive. Burton, 276.	298	484	530	632	632,644
167	An Act to amend the Act of April 9, 1857, to authorize the Governor to remove Insane Persons from the State Prison to the Insane Asylum. Taliaferro, 299.	299	536	536		398,429 451
168	An Act to extend the Time for Assessing the Tax for State purposes. Burton, 298.	298			321	
169	An Act to amend an Act to Establish, Support, and Regulate Common Schools. Ketchum, 299.	299				
170	An Act amendatory of and supplementary to an Act entitled an Act to regulate Fees of Office, approved April 10, 1855. Johnson, of El Dorado, 299.	299	536	536	615	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
171	An Act to provide Compensation for Physicians and Surgeons in certain cases. Ketchum, 299.	299		541, 574	320	
172	An Act to prohibit Champerty and Forced Sales of Land not in possession of Judgment Debtors, in the City and County of San Francisco. Grant, 298.	298				469, 494 495, 505
173	An Act to Audit the Claim of R. G. Crozier. Burton, 300.	300		380	493	333
174	An Act to Audit the Claim of John S. Love. Burton, 301.	301	333	343	375	
175	An Act to provide for the Construction of a Bulkhead in the City and County of San Francisco. Grant, 97.	304				
176	An Act supplemental to an Act entitled an Act supplementary to an Act entitled an Act to authorize Wm. Moody and Morgan Hart to build a Wharf in the County of Solano, approved May 3, 1852, approved April 25, 1852. Griffith, 318.	318		318	320	
177	An Act to appropriate Money for the erection of additional Buildings and to make other Improvements in the Asylum for the Insane. Taliaferro, 304.	304		542, 679	679	541
178	An Act to fix the Compensation of the Board of Supervisors of Siskiyou County. Berry, 304.	304			321	
179	An Act to Change the Name of Termann Christian Hwass to Francis Williams. Griffith, 304.	304			321	
180	An Act empowering the Governor of this State to Pardon one Cyrus Deable. Judiciary Committee.			325	356	
181	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved May 5, 1854. Phelps, 222.	312				
182	An Act to authorize the Construction of certain Wharves. Griffith, 318.	318	397	397, 554		430, 490 545, 546 547
183	An Act for the Prevention of the Taking of Trout Fish during certain months of the year. Bell, 312.	312				312, 514

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
184	An Act authorizing Andrew P. Jackson to Excavate and render Navigable a certain Slough in the north half of the southwest quarter of Section number thirty-six, Township five, north; Range two, west; Mt. Diablo base and meridian; in the County of Solano. Griffith, 318.	318		345	679	
185	An Act authorizing Andrew P. Jackson to Construct a Wharf in Solano County. Grant, 318.	318		345	679	
186	An Act for the Relief of Sacramento County.		398			398, 410 590
187	An Act amendatory of an Act entitled an Act restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, approved April 21, 1857. Bell, 325.	325				
188	An Act making Appropriations to meet Deficiencies heretofore made from January 1, 1857, to July 1, 1858. Burton, 295.	325	425	439	445	490
189	An Act concerning Notaries Public. Lewis, 334.	334				536
190	An Act to authorize the Secretary of State to procure a New Seal, and to appropriate Money to Pay for the same. Thom, 397.	397	582	627		508, 548
191	An Act to Audit the Claim of Pacific Express Company. Committee on Claims.			351, 371	500	344
192	An Act to Audit the Claim of the Pacific Express Company. Com. on Claims.			351, 364	472, 536	346
193	An Act to Audit the Claim of the Pacific Express Company. Com. on Claims.			351, 371	665	346
194	An Act to better enable the Collection of Judgments in favor of the State. Special Committee.			394	544	346
195	An Act to appropriate Money for the Relief of certain Persons. Committee on Claims.			352, 370	393	346
196	An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges. Griffith.				387	367

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
197	An Act recommending to the Electors of this State to Vote For or Against a Constitutional Convention. Burch, 340.	340		577		341, 384 400, 427 436, 508
198	An Act to amend an Act entitled an Act to fix the Time for holding the Terms of the District Courts throughout this State, passed May 16, 1853, approved May 4, 1855, and to repeal an Act to fix the Time for holding the Terms of the District Court of the Second Judicial District. Pacheco, 71.	340		362, 399	500, 502	
199	An Act supplementary to an Act of April 30, 1855, concerning the Escape of Convicts from the State Prison. Taliaferro, 340.	340		410, 430	572	
200	An Act to provide for the Construction of a Railroad from a point on Petaluma Creek to Healdsburg, and for the Right of Way for the same. Sullivan, 340.	340				430
201	An Act for the Relief of Horace J. Wheeler. Thom, 340.	340				547
202	An Act concerning the Treasurer of Sacramento County. Johnson, of Sacramento, 163.	339	394	394		
203	An Act to regulate the Fees of Witnesses and Jurors in the City and County of San Francisco. Grant, 339.	339				
204	An Act in relation to the Salaries of, and the Fees received by, the County Clerk, (as Clerk of the various Courts,) and the County Recorder, of the City and County of San Francisco, and prescribing certain of their Powers and Duties. Grant, 351.	351	397	418		359, 367
205	An Act supplementary to an Act entitled an Act to authorize the formation of Corporations for the Construction of Plank and Turnpike Roads, passed May 12, 1858, and the several Acts amendatory thereof. Berry, 111.	116				431, 439 445
206	An Act repealing the Laws now in force relating to the Militia, and concerning the Organization, Enrollment and Discipline of the Militia of this State. Johnson, of El Dorado, 339.	339	436			380, 398 436, 437 468
207	An Act to Audit certain Claims. From Committee.		395	395, 419	581	359

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
208	A Bill for an Act to provide for the Sale of certain Property therein described. Merritt, 357.	357				546
209	An Act to Audit the Claim of M. Scott, Jr., as an Employé or Subordinate Officer of the State Prison, and Witness before a Committee of the Legislature. Gregory, 358.	358	395	397	435	
210	An Act to authorize the Congregation of St. Patrick's (Catholic) Church, in the City of Stockton, to Remove the Remains of Deceased Persons. Melony, 358.	358		397	515	
211	An Act to repeal the Sixth Section of an Act concerning the Receipts and Expenditures of the State, approved February 7, 1857. Burton, 360.	360		541	615	
212	An Act for the Incorporation of Water Companies. Grant, 370.	370	400	430	565	
213	An Act to amend an Act entitled an Act to regulate Fees of Office, approved April 10, 1855. Hart, 370.	370				456
214	An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, approved May 19, 1853, amended March 24, 1854, and April 13, 1854, and to provide an Appeal for such Causes as are now improperly in the Courts of Sessions of this State on appeal. Anderson, 163.	370		547		
215	An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, amended April 22, 1851. Anderson, 370.	370				
216	An Act to amend an Act concerning Courts of Justice and Judicial Officers, passed May 19, 1853. Judiciary Committee.			521		398, 506
217	An Act to Audit the Claim of Baker & Swinerton. Johnson, Sacramento, 379.	379		616, 626	662	399, 405 419, 467 537
218	An Act to Audit certain Claims. Committee on Claims.			400	470	
219	An Act to repeal an Act entitled an Act to Incorporate the City of Nevada, approved April 19, 1856, amended February 4, 1857. Burton, 232.	390				

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
220	An Act to amend an Act to authorize a Special Term of the District Court to be held in the County of Butte, and to fix the Time for holding said special term, approved March 6, 1858. Hart, 236.	390			396	
221	An Act for the Relief of D. L. Mulford. Lewis, 390.	390		598	662	430
222	An Act for the Relief of James L. English. Committee on Claims.					395, 400 406, 411
223	An Act concerning Commissioners of Deeds appointed by the Governors of the other States and Territories of the United States. Griffith, 390.	390	536	650		
224	An Act concerning the Office of County Assessor, and defining his Duties and Powers as Collector of Poll Tax. Melony, 391.	391				628
225	An Act for the Relief of Partners and Joint Debtors. Grant, 391.	391				683
226	An Act to establish the Boundary Line between Humboldt and Klamath Counties. Burch, 391.	391		431, 545 565		444, 604
227	An Act granting Levy Vining and others the right to Establish and Construct a Steam Ferry across the Colorado River. Ferguson, of Sacramento, 394.	394				
228	An Act to Audit the Claim of Samuel Warren. Committee on Claims.		451	469	581	400
229	An Act to Audit the Claim of J. Tyson. Committee on Claims.		451			399, 468 508
230	An Act to amend an Act, passed March 26, 1851, entitled an Act to Incorporate the City of Sacramento. Ferguson, of Sacramento, 396.	396		396	401	
231	An Act amendatory and supplemental to an Act entitled an Act concerning Jurors, approved May 3, 1852, amended January 28, 1854. Anderson, 396.	396		628		
232	An Act to authorize the Issuance of Duplicates for certain lost School Land Warrants. Hart, 396.	396		430		
233	An Act to grant the Right of Way to certain Persons therein named for a Rail-	402		419		650

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	way Track within the corporate limits of the City and County of San Francisco, and to run Cars thereon. Grant, 341.					
234	An Act for the Relief of William H. Peterson. Thom, 402.	402		547		546
235	An Act Organizing the University of the State of California, under the name of The Regents of the University of the State of California. Bell, 405.	405	506	584	428	521, 540
236	An Act supplementary to an Act entitled an Act to establish a Standard of Weights and Measures, passed April 30, 1854. Griffith, 405.	405		495		484
237	An Act to define more definitely the northern and western Boundaries of the County of Butte. Hart, 408.	408		431, 547		447, 495
238	An Act to prevent Goats and Stallions from Running at Large. Bell, 411.	411				545
239	An Act to change the Name of Newman Bleistein to Bleistein Newman. Taliaferro, 413.	413				
240	An Act supplementary to and amendatory of an Act entitled an Act to provide for the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of certain Property of the State of California, passed March 26, 1851, passed May 18, 1853. Garter, 413.	413	516	516	528	
241	An Act to Quiet the Title of certain Lands in the City and County of San Francisco. Sullivan, 412.	412				541
242	An Act to amend an Act entitled an Act to regulate the Fire Department of the City and County of San Francisco, passed March 25, 1857. Sullivan, 413.	413	537	557	582	
243	An Act to repeal an Act entitled an Act to regulate the Fire Department of the City of San Francisco, passed April 30, 1855. Sullivan, 412.	412		537, 557	582	
244	An Act for the Relief of David Scannel, late Sheriff of San Francisco County. Sullivan, 412.	412		566, 576	605	472, 486 505, 513 520, 576

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
245	An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the Claim of Columbian Engine Co. No. 11, to erect a Monument in memory of Thomas Murray. Sullivan.					
246	An Act supplementary and amendatory of an Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, and to the several Acts amendatory and supplementary thereto. Merritt, 412.	412		522		506
247	An Act to allow Lindley Carson to Sell certain Real Estate. Taliaferro, 412.	412		537, 557	582	
248	An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, '51. Gregory, 412.	412		546, 565		
249	An Act amending an Act entitled an Act to Incorporate the City of Oakland, passed March 25, 1854. Bell, 412.	412				
250	An Act to amend an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854. Griffith, 418.	418	431	431		
251	An Act to amend Section 4 of an Act to regulate Fees in Office, passed April 10, 1855. Garter.					
252	An Act to Audit the Claim of John Dale. Committee on Claims.			419, 436	581	
253	An Act to Audit certain Claims. Committee on Claims.			419, 444	581	
254	An Act to Audit the Claim of H. and W. P. Gibbons. Committee on Claims.			419, 435	581	
255	An Act in addition to and amendatory of an Act entitled an Act supplementary to an Act entitled an Act to Apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853, approved March 6, 1857. Berry, 421.	421				644
256	An Act to fix the Salary of the District Attorney of the County of Santa Clara. Taliaferro, 426.	426		521		514, 615
257	An Act in relation to Companies incorporated for the purpose of Supplying	426				

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	the Mines and Miners with Water. Merritt, 426.					
258	An Act to exempt Pensions of the Revolutionary War, or the War of 1812, from Taxation. Holden, 391.	426				566
259	A Bill to be entitled an Act to Legalize Acknowledgments heretofore taken by any Deputy Clerk of the late Supervisors' Court of the City of San Francisco. Grant, 421.	421		537, 574		
260	An Act for the Indemnity of John F. McCauley, and for the Settlement and Discharge of Claims against the State, arising from the late management and direction of the State Prison. Taliaferro, 426.	426	631	646		632, 632 643, 644 646, 657
261	An Act to Adjust the Amount of Indebtedness of the County of Santa Clara to the Counties of San Francisco and San Mateo. Phelps, 429.	429				
262	An Act to Audit the Claim of Daniel H. Carpenter. Committee on Claims.		430	430	541	
263	An Act to Audit the Claim of James Smiley. Committee on Claims.			444	513	511
264	An Act for the Purchase of certain Personal Property on the State Prison premises, and authorizing the removal of Property of John F. McCauley from the State Prison with the aid of Convict Labor. Taliaferro.					
265	An Act to amend an Act entitled an Act to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for the Payment of the same, passed May 1, 1851. Sullivan, 434.	434	530	530	553	
266	Proposed Amendments to the Constitution of this State. Anderson, 9.	434				597, 628 629, 630 631
267	An Act to Protect certain Property of the State. Chase, 440.	440				
268	An Act concerning Bridges. Ketchum, 444.	444				565
269	An Act to Pay the Fees of Attorneys on the part of the State, in certain Cases. Judiciary Committee.		495	495	572	164

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate	Passed Assembly.	Further Proceedings.
270	An Act defining the Legal Distances from each County Seat to the Capital, Lunatic Asylum and State Prison. Merritt. 444.	444	522	536		
271	An Act amendatory of an Act concerning the Transportation of Prisoners to the State Prison, and to appropriate Money for the same, approved April 21, 1856. Merritt.					
272	An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850. Anderson, 446.	446			620	
273	An Act for the Relief of Paul Shirley, late Sheriff of Solano County. Judiciary Committee.			456	528	448, 453
274	An Act amendatory of and supplementary to an Act to Reorganize and Establish the County of San Mateo, approved April 18, 1857. Judiciary Committee.				662	
275	An Act directing the Governor of this State to deliver, on behalf of the State, certain Stands of Arms to certain Persons hereinafter named. Bell.			573	620	515, 522
276	An Act granting to Franklin A. Rogers Leave of Absence from the State. Berry.	450		450	475	602
277	An Act to amend an Act entitled an Act to provide for the Appointment and prescribe the Duties of Guardians, approved April 19, 1850. Anderson, 451.	451	604	604, 627		546
278	An Act for the Relief of Michael Fennell. Taliaferro, 141.	141	618	627		536, 578
279	An Act to fix the Salary of the District Attorney of San Bernardino County. Thom, 462.	462			475	
280	An Act to change the Time of holding the Court of Sessions and County Court in the County of Los Angeles. Thom, 462.	462			475	
281	An Act to provide for the Construction of a Wagon Road. Griffith, 462.	462				592, 616
282	An Act authorizing the Attorney General to Compromise certain Indebtedness. Griffith, 462.	462	620	621	682	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
283	An Act authorizing F. F. Marx, B. Nordheimer and others, to Construct a Wharf at Trinidad, in Klamath County. Berry, 467.	467			615	
284	An Act to fix the Salary of the District Attorney of the County of Tehama. Garter, 467.	467			581	
285	An Act to Repeal the Charter of the City of Benicia, and to Consolidate and otherwise provide for the Government thereof. Griffith, 474.	474				
286	An Act for the Government of the State Prison Convicts, and to provide for the Location of a Branch Prison. Goodwin, 276.	276	511	511, 530	581, 593 632	485, 504
287	An Act to fix the Compensation of the Collector of Foreign Miners' Licenses in the County of Siskiyou. Berry, 479.	479				683
288	An Act to grant to Henry DeGrow, Sheriff of Monterey County, Leave of Absence from the State. Gregory, 477.	477				628
289	An Act concerning the Seventh Judicial District, and the Judge thereof. Taliaferro, 477.	477	575	575	594	
290	An Act amendatory of an Act to regulate Proceedings in Civil Cases. Goodwin, 479.	479				
291	An Act to Legalize and Confirm certain Orders of the Board of Supervisors of Monterey County and Merced County, granting a Charter to Andrew D. Firebaugh to construct a Turnpike Road through Pacheco's Pass, in said Counties, and to collect Tolls thereon. Gregory, 484.	484		645		574
292	An Act amendatory of an Act entitled an Act to establish a Standard of Weights and Measures, passed March 30, 1850, and to amend an Act entitled an Act to amend an Act to establish a Standard of Weights and Measures, passed March 30, 1850, passed April 30, 1853. Judiciary Committee.					
293	An Act for the Relief of Hugh O'Donnell. Grant.		514	514	604	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
294	An Act concerning Partition Deeds of Minors in certain cases. Chase, 494.	494				683
295	An Act to empower the Board of Supervisors and Auditor of the City and County of San Francisco to Allow, Audit, and Satisfy certain Claims therein mentioned. Sullivan, 509.	509	574	574	605	
296	An Act to Indemnify the Catholic Congregation of Drytown for the loss of a Church, destroyed by a Mob, August 21, 1855. Ketchum, 510.	510				596
297	An Act providing for the Government of the State Prison Convicts. Bell.					
298	An Act to Audit and Allow the Claim of James D. Potter. Burton.				577	
299	An Act prohibiting the Owner or Owners of Goats from allowing them to Run at Large. Bell, 411.	510	590	605		
300	An Act to Audit the Claim of G. W. Ryckman. Burton.			514	562	
301	An Act to Adjust the Amount of Indebtedness of the County of Alameda to the County of Contra Costa, and to provide for the Payment thereof. Melony.				544	
302	An Act for the Relief of John C. Gordon. Committee on Claims.			575	594	531
303	An Act to Audit certain Claims. Committee on Claims.			575	594	530
304	An Act to Locate the County Seat of El Dorado County, and to submit the question of the Removal thereof from Placerville to Coloma, to the qualified Electors of said County. El Dorado Delegation.					
305	An Act concerning Telegraphic Operations. Barton.					
306	An Act amendatory of and supplementary to an Act approved March 12, 1858, entitled an Act to further Extend the Act concerning Corporations, passed April 23, 1850. Bell, 530.	530		581	620	
307	An Act granting the Right of Way to the Oxen Company, and authorizing said Company to turn the head waters of the	531				606

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	Klamath River into any of the streams forming the head waters of the Sacramento River, and collect a Revenue therefrom. Berry, 531.					
308	An Act for the Payment of the California State Telegraph Company. Ferguson, of Sacramento.					628
309	An Act for the Relief of Selah Russell. Ferguson, of Sacramento, 534.	534	628	643		
310	An Act entitled an Act to grant the Right to construct a Bridge across the American River, at the mouth, to certain Parties therein named. Ferguson, of Sacramento, 534.	534		616		
311	An Act for the Relief of Edward Cummings. Taliaferro.					
312	An Act for the Prevention of the Taking of Trout Fish during certain months of the year. Bell, 312.	312	578	578		
313	An Act to authorize the Guardian of Espedion Noe, José Jesus Noe and Vincent Noe, to Sell and Dispose of their Real Estate, etc. Anderson, 539.	539		539	513	
314	An Act to Audit certain Claims. Committee on Claims.				615	
315	An Act to Audit the Claim of Hamilton Bowie. Committee on Claims.		650	650	665	546
316	An Act to Audit and Allow the Claim of Reuben S. Clerk. Committee on Claims.		584	584		
317	An Act authorizing Married Women to Insure the Lives of their Husbands. Grant, 539.	539				
318	An Act Extending the Privileges of the Homestead Law to certain Persons. Bell, 557.	557		605		585
319	An Act to authorize the Tax Collector of the City and County of San Francisco to receive certain Evidences of Indebtedness of said City and County in Payment of Taxes.					
320	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29th, 1851.		628	643		

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
321	An Act to amend an Act to Change the Time of holding Courts of Sessions and County Courts in the County of Napa, approved February 14, 1855. Griffith, 557.	557			577	
322	An Act to Audit the Claim for Services and Expenses of Edward H. Beale. Garter.			659, 678	685	
323	An Act to amend an Act entitled an Act to create the County of Sierra, and to establish the Seat of Justice therein; to define its Boundaries and provide for its Organization, passed April 16, 1852. Rogers.			618		
324	An Act supplementary to and amendatory of an Act of April 13, 1858, to Incorporate the Town of Petaluma. Taliaferro, 572.	572				
325	An Act for the Protection and Preservation of Salmon in the Waters of this State. Bell, 573.	573				
326	An Act to Protect the Property of Citizens of this State against Loss or Injury from Railroad Companies. Ferguson, of Sacramento, 572.	572	617	617		
327	An Act amendatory of and supplementary to an Act entitled an Act to Incorporate the Town of Oroville. Hart, 573.	573			594	
328	An Act amendatory of the Act entitled an Act to Incorporate Crescent City, passed April 13, 1854, and to repeal Section 2 of the Act approved April 21, 1857, amendatory of said Act of April 13, 1854. Berry, 563.	578		578	594	
329	An Act to aid in establishing a Cheap, Safe and Speedy Communication between California and the Atlantic States. Merritt, 572.	572				
330	An Act amendatory of an Act entitled an Act to declare Feather River Navigable, passed March 14, 1857. Hart, 236.	578				
331	An Act to authorize the Board of Supervisors in and for Butte County, to issue Bonds of said County for an amount not to exceed Two Hundred and Thirty Thousand Dollars, to be expended in	582		582	614	

BILLS, SENATE.

No.	TITLE.	Repealed.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Provisions.
	Constructing a Railroad and Wagon Road in said County, and to provide for the Payment of said Bonds. Hart, 582.					
332	An Act to provide for the Sale of certain Property of the State of California within the Water Line Front of the City and County of San Francisco Grant.			584	646	
333	An Act to amend an Act entitled an Act to regulate Town Office in the County of Yuba, approved April 27, 1857. Goodwin, 17.	71			620	
334	An Act for the Relief of John C. Hays, ex-Sheriff of San Francisco County. Bell, 587.	587		587	686	
335	An Act to Audit and Allow the Claim of G. D. Bliss & Co. Committee on Claims.			616		
336	An Act to authorize the Sale of the Real Estate of the late W. E. P. Hartnell Gregory. 589.	589	599	599	685	
337	An Act to authorize the Administrator of the Estate of Juan Antonio Valdejo, deceased, to Sell the Real Estate of his Interest, or such portions thereof as shall be necessary to Pay the Debts of the deceased, at Private Sale. Burton, 595.	595				621
338	An Act to amend an Act entitled an Act concerning Sheriffs, passed April 29, 1851. Griffith, 31.	98		605		
339	An Act to pay the Treasurer of State for Extra Services. Ferguson.		650	650	692	
340	An Act to authorize the Secretary of State to Inure the State Library. Ferguson, 595.	595		661	682	
341	An Act appropriating Money for the benefit of the Orphan Asylums of the City of San Francisco. Ferguson, of Sacramento, 596.	596				683
342	An Act supplementary to an Act to provide for the Funding of the outstanding Debt of the City of Oakland, and to Prevent the creation of New Debts by said City. Bell, 587.	601		622	685	

BILLS, SENATE.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
343	An Act to authorize the Executors and Administrators of Joaquin Soto, deceased, to Sell the Real Estate of said deceased at Private Sale.					
344	An Act to repeal an Act entitled an Act to Incorporate the Town of San Luis Obispo, approved April 19, 1856.				692	
345	An Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, and an Act amendatory thereof, passed April 14, 1856. Melony, 625.	625		625	692	
346	An Act to amend an Act entitled an Act to regulate Fees in Office in Yuba County, approved April 28, 1857. Allen, 635.	635		635	646	
347	An Act making additional Appropriations for Deficiencies in Appropriations heretofore made for the Pay of Officers and Clerks of the Senate, for the Ninth Fiscal Year. Anderson, 656.	656		656	665	
348	An Act for the Relief of Mary B. Russell. Superior of the Sisters of Mercy. Merritt, 656.	656				
349	An Act to Extend the Time for making the Assessment and Collection of Taxes in the County of Nevada. Chase, 659.	659		659	685	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
1	An Act to regulate the Fees of certain County Officers of Contra Costa.	112		112	115	
3	An Act to Legalize certain Conveyances made by the Commissioners of the Sinking Fund of the City of San Francisco.	115		115	330	115
5	An Act to Change the Name of William Willson Smith to Wm. Willson Lawton.	112		112	125	
8	An Act to Incorporate the Town of Union.	112		112	122	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
9	An Act to repeal in part an Act entitled an Act to authorize the formation of Corporations for the Construction of Plank or Turnpike Roads, passed May 12, 1853, approved April 28, 1857.	359	446	359, 476	463, 657	430, 446 453
12	An Act to Change the Name of James Defenbaugh to James D. Austin.	105		105	116	
13	An Act to amend an Act entitled an Act to Reorganize and Establish the County of San Mateo, approved April 18, 1857.	379		379	379	
15	An Act to Locate the County Seat of San Mateo County.	133		133	161	
17	An Act to Change the Name of Michael Nicholas Dillindaffer to Addison Dillindaffer Martin.	127		127	139	128, 133
19	An Act to amend an Act entitled an Act to Protect Owners of Growing Crops, Buildings, and other Improvements in the Mining Districts of this State, approved April 25, 1855.	509		509		
23	An Act to authorize Peter Davidson to convey certain Real Estate.	117	215	117, 228	215	
25	An Act to Legalize certain Records in the County of Tulare.	127		127	139	128
30	An Act to amend an Act to authorize Married Women to transact Business in their own names, as Sole Traders.	150		150, 604		182, 285 289
32	An Act to Reduce the Salary of County Judge of Klamath County.	150		150	161	
34	An Act to amend an Act concerning Sheriffs, passed April 29, 1851.	499		499	598	
36	An Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice in this State.	148		148		330
37	An Act to provide for the Funding and Payment of Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to 1st day of July, 1856.	356	489, 526	356, 576	537	409, 488 495, 512 521, 534 535
38	An Act to Confirm and Legalize the Tax List or Assessment Roll of the City and County of San Francisco.	119		119, 143	119, 130	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
39	An Act to allow Elmer A. Clapp to Change his Name to Elmer A. Bennett.			117	126	
40	An Act to Legalize the Acknowledgments of certain Conveyances and other Instruments in Writing.	616		616		
41	An Act for the Suppression of Bawdy Houses and Houses of Ill Fame.	356		356		
42	An Act to amend an Act to provide for the Appointment of a Reporter of the Supreme Court, and to define his Duties and Compensation, passed April 19, '56.	150		150		
44	An Act to ascertain the Indebtedness of Alameda County to Contra Costa County, and provide for the Payment thereof.	143	323	143	532	229, 285 346, 490 512
45	An Act for the Relief of John B. Cecil, Sheriff of Klamath County.	175		175	175	
46	An Act to issue Duplicates for certain lost War Bonds.	130			130	130
48	An Act to authorize the Board of Supervisors of Napa County to levy a Tax for Special Purposes.	127		127, 143	135	128, 143
49	An Act amendatory of and supplementary to an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.	289		289		
50	An Act to authorize the Changing of Names.					
52	An Act amendatory of an Act to Incorporate a State Agricultural Society, and appropriate Money for its Support, approved May 14, 1854.	261	334	261, 366	334, 366	
53	An Act explanatory of an Act entitled an Act concerning Passengers arriving in Ports in this State, passed May 3, 1852.	192		192		
55	An Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to Sell and dispose of her Real Estate.	127		127	135	128
56	An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a Special Tax for County purposes, approved April 22, 1857.	163		163, 228		

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole	Passed Assembly.	Passed Senate.	Further Proceedings.
58	An Act to authorize the Board of Supervisors of Santa Cruz County to levy a Special Tax for Building purposes.	157	177	157		
62	An Act to amend an Act entitled an Act to regulate Fees in Office in certain Counties in this State, approved April 28, 1857.	148		148	159	
63	An Act to Audit the Claim of William Ford.	192		192		
65	An Act to Extend the Term of Office of the Board of Supervisors of El Dorado County, and to Change the Manner of their Election, and define their Duties in certain cases, and establish their Salaries.	409	473	409, 490	473	434
66	An Act to Consolidate the several Acts concerning the Places of Residence of County Judges.	157		157		175
68	An Act to provide for the Payment of the Debt of Humboldt County that existed on the 31st day of December, 1857.	148		148		359
70	An Act to Separate the Office of Collector of Taxes from the Office of Sheriff in the County of Placer.	175	186	175, 341	186	308
72	An Act supplementary and amendatory of an Act entitled an Act to authorize the issuance of Duplicates of certain lost War Bonds.			150		
73	An Act fixing the Time of holding the several Courts authorized to be held by the County Judge of the County of Sierra, and to change the Manner of Summoning Jurors.	246		246	278	
74	An Act to provide for Monthly Statements of Receipts and Disbursements by the County Treasurer of Sierra County.	252		252	333	283
75	An Act to extend the provisions of an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved April 21, 1856.		167	162		
80	An Act to extend the provisions of an Act entitled an Act to Organize the County of Buena Vista, approved April 30, 1855.	228		228	238	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
81	An Act concerning Lawful Fences in Contra Costa County.	150		150	215	205
82	An Act to authorize Persons to Change their Names, in certain cases, and to Prohibit Applications to the Legislature therefor.	261		261		
87	An Act to authorize the Executor and Administrator of the Estate of John Ellug, deceased, to Sell Real Estate of deceased at Private Sale.	187		187, 271	238	
88	An Act to fix the Compensation of the County Assessor of Alameda County.	157	157	157	164	
92	An Act to authorize the Arrest of Persons charged with Crime, on Telegraphic Information.	228		228		283, 346
95	An Act to Audit the Claim of H. W. Larkin.	192		192		
97	An Act to Change the Manner of Paying certain Officers of Elections in the County of Stanislaus.	393		393	402	
99	An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for the Collection of the same.	166		166	169	
100	An Act to amend an Act entitled an Act to Fund the Debt of the County of Napa, and provide for the Payment of the same, approved February 13, 1857.	365		365	515	
102	An Act to ratify and approve Order No. 46, of the Board of Supervisors of the City and County of San Francisco, approved August 6, 1857.				333	
104	An Act fixing the Times at which Representatives in Congress shall be elected.	535		535	549	536
105	An Act to authorize Mary Latimer to Sell and convey Real Estate.	356		356	393	
106	An Act to ratify and approve Order No. 46, of the Board of Supervisors of the City and County of San Francisco, approved August 6, 1857.	296		296	634, 642	597, 633 641
108	An Act amendatory of an Act dividing the State into Counties, and establish-	393	575	393	575	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
	ing the Seats of Justice therein, passed April 25, 1851, and to repeal an Act concerning the same, passed May 15, 1854.					
110	An Act supplementary and amendatory of an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.	313		313		
111	An Act to amend an Act concerning Lawful Fences, approved April 27, 1855.	192		192		285, 289
112	An Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands of this State.	295	479, 550	295, 500 591	480, 494 552	305, 478 485, 509 519, 538 549
113	An Act to Change the Name of Henri Alfred Kreicer to Henri Miller.	366		366		
115	An Act amendatory of an Act entitled an Act to regulate Rodeos, passed April 30, 1851.	277	334	277, 365	334	
117	An Act to amend an Act to create the County of Del Norte, to define its Boundaries, and to provide for its Organization.	214		214	259	
118	An Act to create the Office of State Librarian, and to provide for the Increase and Preservation of the State Library.					259
123	An Act making an appropriation for the Salary of Draughtsman in Surveyor General's Office.	228		228	258	
127	An Act concerning the Collection of Delinquent School Taxes in the City of Sacramento.			187	199	209
128	An Act relative to Board of Supervisors of Yolo County.	228		228, 240	232	
129	An Act to fix the Compensation of certain Officers in the Counties of San Joaquin and Alameda.	366	400	366, 476	400, 416	413, 416
131	An Act to abolish Public Executions.	365		365	583	
133	An Act authorizing the Commissioners of the Funded Debt of the County of Contra Costa to issue certain Bonds to Erastus Bartlett.	682		682		
134	An Act to provide for taking Depositions of Witnesses in Civil Cases.	202		252		283

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
136	An Act to Extend the Time for Collection of Taxes in the County of San Bernardino.	187		187	187	246
137	An Act to Extend the Terms of Office of the Boards of Supervisors of certain Counties of this State.	307		307	583	
140	An Act to Legalize and Amend the County Records in the Counties of this State.	393		393	541	
142	An Act amendatory of an Act entitled an Act concerning Estray Animals, approved April 19, 1856.	296		296		
146	An Act amendatory of an Act concerning Offices, passed April 28, 1851.	366		366	411	
147	An Act to amend an Act entitled an Act for Securing Liens to Mechanics and others, passed April 19, 1856.	387		387	567	
148	An Act to amend an Act entitled an Act to Reorganize the County of San Mateo, approved April 18, 1857.	234		234	473	
149	An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra.	271		271, 499	470	603
150	An Act for the Relief of John M. Murphy and Jacob Miller, for the Apprehension of Pancho Daniel and Leonardo Lopez, charged with the Murder of the Sheriff of Los Angeles County.	194		194	194	
151	An Act to provide for the Transcribing and Transferring certain Records in Sonoma and Solano Counties.	261		261, 356	315	
152	An Act to provide for the Payment of the Expenses incurred in the Survey of the Boundary Lines between the Counties of Tuolumne and Stanislaus, in the year 1854.	661		661	691	
156	An Act to provide for the Preservation of School Sections Nos. 16 and 36, from waste and other injuries.	365		365		545
157	An Act to Legalize and Confirm the Assessment Roll, the Publication of the same, and to extend the Time for the Collection of Revenue in the County of Sonoma.	202	215	215	202	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
176	An Act supplementary to an Act defining the Duties of the State Librarian, and prescribing Rules for the Government of the State Library, passed April 9, 1850.	295	295	344, 365		
179	An Act for the Better Protection of Stock Raisers.	564		564		
182	An Act amendatory of an Act concerning Notaries Public, approved April 30, '57.	517		517	583	
184	An Act to define the Head of Navigation of the Mokelumne River.	365		365		683
185	An Act to amend an Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador, approved April 5, 1856.	308	398	308, 490	471	436
187	An Act for the Relief of D. J. Thomas.	513		513	574	
188	An Act to amend an Act entitled an Act fixing the Time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne, approved April 16, 1855.	313		313, 476	447	
189	An Act to amend an Act entitled an Act to regulate Fees in Office in the County of Yuba, approved April 28, 1857.	375		375	584	
190	An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow, confirm and direct the Auditing of certain Claims therein mentioned.	386		386		
191	An Act to authorize George H. Ensign and others, Owners of the Spring Valley Water Works, to lay down Water Pipes in the Public Streets of the City and County of San Francisco.	359		359	395	
192	An Act to Legalize the Assessment and enforce the Collection of Taxes within the City of Sacramento, for the municipal year 1857.	246		246	246, 312	309
193	An Act authorizing the Auditing and Payment of certain Claims for Advertising.	246		246, 263	259	
196	An Act to grant the Right to Open the Channel of Cache Creek from Clear Lake to the mouth of the Cañon in Sacramento Valley.	553		553	656	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
198	An Act to Separate the Office of Collector of Taxes from the Office of Sheriff and Assessor, in the County of Shasta.	313		313, 435		
202	An Act to ascertain the Indebtedness of Sierra County to the County of Yuba, and to provide for the Payment of same.	472		472		
203	An Act to ascertain the Indebtedness of Nevada County to the County of Yuba, and to provide for the Payment of same.	544		544	678	
204	An Act to provide for the Erection of a Jail in Tulare.	359		359		
207	An Act for the Improvement of the Navigation of the San Joaquin River, and for Reclaiming certain Swamp and Overflowed Lands.	498		498		
208	An Act supplementary to an Act to provide Revenue for the support of the Government of this State, approved April 29, 1857.	313		313		
209	An Act to Legalize certain Statements, in the form of Affidavits, made before the County Recorders of this State.	365		365, 451		
210	An Act to amend an Act entitled an Act restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin.	387	410	387, 429		428
211	An Act to Separate the Office of County Recorder, County Auditor, and Clerk of Probate Court, from the Office of County Clerk in Shasta County.	365		365	434	
212	An Act concerning Artesian Wells.	308		308		
213	An Act in relation to the Office of County Assessor of the County of San Joaquin.	308		308	334, 366	345
214	An Act for Relief of Purchasers at Sales of Real Estate by Public Officers.	341	341	398		
215	An Act amendatory of and supplementary to an Act entitled an Act to Reincorporate the City of San José, approved March 27, 1857.	515		515, 544	515	
216	An Act to authorize the Board of Supervisors of the County of Tehama to levy a Special Tax for Building purposes, and to provide for the Payment of the Indebtedness of the County.	365		365	399	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
223	An Act for the Relief of Luther Laird & Co.	581		581		606
224	An Act to provide for Funding the Debt of San Joaquin County that may be outstanding on first day of July, 1858, and not heretofore funded.	366		366	397	
225	An Act granting the Privilege to Charles Talcott to Erect a Wharf at Point San Quentin, in Marin County, and Collect Wharfage.	366	471	366, 489	471, 498	395, 421 430
226	An Act to authorize Simpson Thompson, and T. H. Thompson, to Construct a Wharf at Suscol Ferry, in Napa County, on the East Bank of Napa River.	393		393	420	
228	An Act to provide for the Temporary Government of the State Prison.	263		263	263	264
229	An Act amendatory of an Act entitled an Act authorizing Treasurer of State to Issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, approved April 25, 1857.				419, 548	
231	An Act to amend Sextion Twelve of an Act to provide for the Incorporation of Towns, approved April 19, 1856.	373		373	400	
232	An Act to Legalize the Assessment Roll of Tehama County in the year 1857, and Extending Time for Collecting the Revenue in said County.	289		289	345	
233	An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for School Purposes.				515	
234	An Act to Extend the Time of Collecting Taxes in the County of San Bernardino.	278		278	278	
235	An Act to amend an Act entitled an Act to regulate the Settlements of the Estates of Deceased Persons, passed May 1, 1851.				456	
236	An Act to authorize J. R. Munson to Remove the Remains of Deceased Persons.	278		278	283	
238	An Act granting certain Powers to the Board of Education of the City and County of San Francisco.	594		594	683	

BILLS, ASSEMBLY.

No.	TITLE.	Referred.	Committee.	Reported.	Passed Assembly.	Further Provisions.
240	An Act to Change the Name of Newman Blestein to Bernstein Newman.	475		475		
240	An Act to amend an Act entitled an Act to provide for the Payment of the Debt of Santa Cruz County, approved April 24, 1857.	366		366	475	
242	An Act supplementary to and explanatory of an Act to appropriate Money for Advertising, approved February 27, 1858.	277		277	278	
243	An Act amendatory of and supplementary to an Act entitled an Act to regulate Elections, passed March 20, 1859.	435		435	541	
244	An Act for the Relief of David Scannell.	665		665		
248	An Act to give the Proceedings of Courts of Probate the same effect as Courts of general jurisdiction.	393		393	410	
250	An Act to Change the Time for holding the Courts of Superior, County Courts and Probate Courts of the Counties of Santa Barbara and San Luis Obispo.	393		393	536	
252	An Act to confer further Powers on the Board of Supervisors of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned.	401	531	401, 576	531	446
253	An Act granting the Privilege to J. C. Owen and R. E. Cannon, of conducting Water into and through Suisun City, in the County of Solano, and supplying the Inhabitants therewith.	386		386	387	
254	An Act to authorize the Board of Supervisors of the several Counties of this State to grant the Right to Construct Wharves on the Overflowed and Submerged Lands of this State.	415	471	415, 499	471	477
255	An Act to repeal Sections 55, 56 and 57 of an Act entitled an Act concerning Courts of Justice of this State, passed May 19, 1853.	386		386		452
257	An Act to authorize George Chedic to Sell certain Property of Georgia M. C. F. Chedic.	366		366	532	532
260	An Act to authorize the Supervisors of Sacramento County to Dispose of State	308		308		

BILLS, ASSEMBLY.

No.	TITLE.	Repealed.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
	Bonds now in possession of said County, or those that may hereafter come legally into its possession.					
263	An Act to authorize the Guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to Sell certain of their Real Estate at Private Sale.	415		415	574	615
266	An Act to repeal in part an Act entitled an Act concerning Hogs found Running at Large in the Counties of Colusi, Tehama, Butte, Sonoma and Napa, approved March 26, 1857.	341	359	341	359	
268	An Act relative to the Board of Supervisors of San Diego County.	435		435	541	
269	An Act to provide for the Maintenance of the Indigent Sick of the County of Trinity.	341		341, 499	341	
271	An Act supplementary to an Act to provide for the Funding of the Debt of Yuba County, approved March 26, 1857.				584	
273	An Act fixing the Time of holding Courts of Sessions and County Courts in the Counties of Plumas and Shasta, and to Change the Manner of Summoning Jurors for the Courts of said Counties.	373		373	400	
274	An Act concerning Goods, Wares and Merchandise, contained in Packages and usually Sold by Weight.	567		567	683	628
276	An Act granting to Mathew Wood the Right to Construct a Wire Suspension Bridge across the Yuba river.	386		386		617
277	An Act to amend an Act entitled an Act to create the County of Fresno, to define its Boundaries, and to provide for its Organization.	447		447		
278	An Act to create a Board of Examiners, to define their Powers and Duties, and to Impose certain Duties upon the Controller and Treasurer.	517		517	595	
279	An Act amendatory of an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 1, 1854.	490		490		597

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
280	An Act authorizing Treasurer of State to issue Bonds in favor of Walter McDonald and A. M. Jones, for Services Rendered as Indian Commissioners in 1856.	355		355	431	367, 425
281	An Act to Pay Thomas Tennent for Storage of the Standard of Weights and Measures belonging to the State.	356		356	597	
283	An Act to amend Section One of an Act entitled an Act to provide Revenue for the support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills, approved April 29, 1857.	614		614		
284	An Act concerning the County Records of the County of Sutter.	472		472	578	
290	An Act for the Relief of the County of Santa Barbara.	500		500	625	509
291	An Act to establish the Industrial School Department of the City and County of San Francisco.	498		498	532	
293	An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.	499		499, 593		574
294	An Act concerning Official Bonds of Justices of the Peace and Constables of the Counties of this State. Substitute for Senate Bill No. 162.	357	410	357, 435	410	683
295	An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.	500		500	575	574
297	An Act to fix the amount of the Official Bonds of the County Officers in the Counties of Merced, Tulare and Fresno.	490		490	493	
298	An Act to regulate Fees in Office in the County of Shasta.	393		393	419	
299	An Act amendatory of an Act entitled an Act to authorize the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties.	435		435		
300	An Act to authorize the Judges of the Supreme Court to employ a Secretary.	553		553	640	628

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
301	An Act amendatory of and supplementary to an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.	360	506	360	540	398
303	An Act to Suppress Injurious Publications.	498		498	575	525
304	An Act to authorize and regulate the Collection and Settlement of Poll Taxes.	639		639		
305	An Act to authorize the Funding of the Unfunded Debt of the City of San José, and to provide for the Payment of the same.	498		498	575	525
306	An Act to provide for the Recovery of Lands in certain cases in this State, and for the Protection of Settlers.	615		615		684, 685
307	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases.	662		662		
309	An Act to authorize the State Treasurer to issue to the Heirs of Charles H. Ross, deceased, two duplicate School Land Warrants, in lieu of certain Warrants destroyed.	490		490	574	
310	An Act to fix the Amount of the Official Bonds of the County Officers in and for the Counties of San Diego and San Bernardino.	517		517	575	
311	An Act to authorize the Board of Supervisors of Los Angeles County to Contract a Loan for the purpose of Erecting a Court House and completing the same.	500		500	583	
312	An Act amendatory of an Act entitled an Act to provide for the Payment of the Debts of the Counties of San Luis Obispo and Santa Barbara, approved March 31, 1857.	489		489	312	
314	An Act to Audit certain Claims.	615		615		
315	An Act to establish the Pay of Officers and Employés of the Senate and Assembly, and to repeal existing Laws relative thereto.	688		688	688	
316	An Act concerning the Office of County Clerk, Sheriff and County Recorder of the City and County of San Francisco.	553		553	598	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
318	An Act amendatory of and supplementary to an Act concerning Estray Animals, passed April 19, 1856.	381		381		627
320	An Act to settle and fix the Time allowed by law to the Tax Collector of the City and County of San Francisco, for the Collection of Taxes.	379		379	379	
322	An Act amendatory of an Act entitled an Act fixing the Salaries of County Judges, and of the District Attorney of the County of Tulare, approved April 16, 1856.	499		499	570	
326	An Act to Protect the Property of Citizens of this State against Loss or Injury from Railroad Cars.					594
327	An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges.	641	654	641	654	
329	An Act amendatory of an Act entitled an Act to authorize the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.	379	603	379	603	
332	An Act to Audit the Claim of Adam Schuppert.	498		500, 610		519, 599
333	An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for School purposes.	444		444		539, 590
334	An Act to fix the Terms of the Courts of Sessions of the County of Trinity.	409		409		
335	An Act amendatory of an Act entitled an Act to Incorporate the City of Sonora, approved March 9, 1855.	401		401	418	
336	An Act to prevent Stallions from Running at Large in certain Counties in this State.	564	606	564	606	
341	An Act fixing the Time of holding the Terms of the Court of Sessions, County Court, and Probate Court, in and for the County of San Bernardino.	397		397	417	
342	An Act to grant H. M. Stone the Right of Way across the Sacramento River.	439		439		606
344	An Act for the Relief of W. G. Poindexter.				574	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
345	An Act to Audit and Allow the Claim of Ferris Forman.	498		498	548	
346	An Act to Audit and Allow the Claim of Sacramento Gas Company.	515		515	515	
347	An Act to Audit certain Claims.	509	558	509, 576	558	
350	An Act to amend an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.	515		515		
352	An Act concerning the Office of County Judge of San Joaquin County.	444		444	444	
353	An Act to create a Sinking Fund to Pay the Outstanding Indebtedness of Contra Costa County.	428		428	433	
354	An Act to fix the Terms of the Probate Court in the County of Contra Costa.	409		409	409	
356	An Act to regulate Fees in Office in the City and County of San Francisco.	553		553	585	
359	An Act to Prohibit the Collection of Accounts for Liquors sold at Retail.	544		544		596
360	An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.	553	597	553	597	
362	An Act to amend an Act entitled an Act concerning the Transportation of Prisoners to the State Prison, and to appropriate Money for the same, approved April 21, 1856.	489		489	563	
363	An Act to amend the One Hundred and Twelfth Section of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.	615		615		683
364	An Act for the better Protection of Laborers, Mechanics, and other Workmen.					644
368	An Act to fix the Compensation of the District Attorney of the County of Sierra.	515		515	578	
369	An Act to Extend the Time for making the Assessment and the Collection of Taxes in the County of Siskiyou.	428	490	428	490	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
372	An Act reducing the Amount of Bonds to be given by the County Officers in and for the Counties of Klamath, Del Norte and Humboldt.	510		510	583	
373	An Act to repeal in part an Act entitled an Act to Fund the Debt of Sierra County, and to provide for the Payment of the same, approved March 29, 1856.	428		428	514	
375	An Act conferring certain Powers upon Guardians of Insane Persons.	438		438	440	
376	An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax, and create a Redemption Fund for the Payment of County Indebtedness.	462	517	462, 615	547	
377	An Act to amend an Act entitled an Act concerning Jurors, passed May 3, 1852.	462		462		475, 536
380	An Act to authorize the Executors of the last Will and Testament of Immanuel C. Christian Russ, deceased, to Sell the Real Estate of the Testator at Private Sale.	553		553	634	
381	An Act to authorize the Purchase of a Lot for the use of the San Francisco Hospital.	564		564		
384	An Act concerning Trustees other than Executors.	493	574	493		683
385	An Act concerning Artesian Wells in Santa Clara County.	435		435	545	
386	An Act to regulate the Issue of County Warrants in the County of Shasta.	462		462	546, 547, 686	
387	An Act to fix the Compensation of the Board of Supervisors of San Joaquin County.	444		444	536	
388	An Act to Audit the Claim of Jonathan Nickols.	544		544	602	
391	An Act to provide for the Payment of the Debt of Humboldt County, that existed on the 31st day of December, 1857.	439		439, 685	661	613
393	An Act amendatory and supplementary to the Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853.	606		606		

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
395	An Act to Restrict and Prevent the Immigration to, and Residence in this State, of Negroes and Mulattoes.	553		553	664	661
396	An Act to Separate the Office of Collector of Taxes from the Office of Sheriff, in the County of Tuolumne.	544		544	600	
397	An Act to Audit the Claim of John F. McCauley.	662		662		
400	An Act to authorize G. H. Ensign, and others, Owners of the Spring Valley Water Works, to lay down Water Pipes in the Public Streets of the City and County of San Francisco.	605		605	613	
401	An Act to Audit and Allow the Claim of James Smiley.	470		470	478	
402	An Act to Prevent the Further Immigration of Chinese, or Mongolians, into this State.	553		553	649	648
405	An Act supplementary to an Act to Incorporate the City of Santa Barbara, passed April 9, 1850.	475		475	545	
406	An Act concerning Coroners in the Counties of San Luis Obispo and Santa Barbara.	476		476		
407	An Act amendatory of and supplementary to an Act to Incorporate the City of Nevada, approved April 19, 1856.	476		476	498	
409	An Act to Audit certain Claims.	581		581	606	
410	An Act for the Relief of certain Persons.	558		558		
411	An Act to Audit certain Claims.	581		581	606	
413	An Act to provide for the Registration of Marriages, Births, Divorces and Deaths in California.	500		500	597, 691	606, 607
414	An Act for the Relief of certain Persons.	615		615	659	
416	An Act to grant the Right to Construct and Maintain a Bridge across Feather River.	662		662	688	
417	An Act to declare Nueces and Diablo Creeks Navigable Streams, in the County of Contra Costa.	500		500	500	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
418	An Act to amend an Act entitled an Act to create the County of Alameda, to establish the Seat of Justice therein, to define its Boundaries, and to provide for its Organization.	544		544	584	
419	An Act to amend an Act entitled an Act concerning the Office of Secretary of State, passed May 15, 1854.	641		641		
422	An Act to Extend the Time of Commencing the Construction of the San Diego and Gila Southern Pacific Railroad.	615		615		683
427	An Act concerning Roads and Highways in and for the Counties of Tuolumne and Alameda.	581	616, 641	581	616	
431	An Act supplemental to an Act entitled an Act to Fund the Debt of Sutter County, and to provide for the Payment thereof, passed May 17, 1853.	639		639	640	
432	An Act to Divide the City and County of San Francisco into Townships, and to provide for the Election of Justices of the Peace, Constables and Supervisors.	679		679	680	
435	An Act to Audit certain Claims.	615		615	660	
436	An Act to Audit the Claim of Elliott, Cook & Coffran.	554	586	554, 594	586	584
437	An Act for the Relief of C. Binny.	581		581	616	
438	An Act to amend an Act entitled an Act to prescribe the Mode of Drawing Grand Jurors and Trial Jurors in the City and County of San Francisco, approved April 2, 1857.	544		544	544	
439	An Act relating to the Water Front of the City of San Francisco.	604		604		
442	An Act for the purpose of obtaining Artesian Water on the Colorado Desert, and appropriating Money therefor.	665		665		
453	An Act to appropriate Money to Pay certain Indebtedness of the State Insane Asylum.	686		686		
457	An Act fixing the Salary of the District Attorney of Solano County.	562		562	570	

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
458	An Act fixing the Time at which the Clerk of the Supreme Court shall be Elected.	614		614	636	
459	An Act to authorize the Issuance of a Duplicate for certain lost Controller's Warrants.	577		577		
460	An Act to authorize the Issuance of a Duplicate for a lost Controller's Warrant.	576		576	628	
461	An Act to relocate the County Seat of Solano County, by the Qualified Voters of said County.	605	625	605	625	
464	An Act to Audit and Allow the Claims of certain Persons for Services Rendered and Expenses incurred during the Insurrection in the City and County of San Francisco, 1856.	604		604		
467	An Act concerning Roads and Highways in certain Counties therein named.	572		572	586	
469	An Act to Incorporate the Town of Columbia.	581		581	586	
471	An Act to Audit and Allow the Claim of Joseph Nougues.	662		662		
473	An Act for the Relief of Solomon Heydenfeldt.	661		661		
477	An Act to amend an Act entitled an Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador, approved April 5, 1856.	616		616	683	
478	An Act amendatory of an Act and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and the several Acts amendatory and supplementary thereto.	639		639		
481	An Act to amend an Act entitled an Act concerning the Transportation of Prisoners to the State Prison, and to appropriate Money for the same, approved April 21, 1856.	639		639	639	
482	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved April 29, 1857.	686		686		

BILLS, ASSEMBLY.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Passed Senate.	Further Proceedings.
483	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved May 15, 1855.	662		662		
484	An Act for the Relief of H. M. Fenning.	662		662		
485	An Act for the Relief of certain Persons.	662		662		
486	An Act for the Relief of H. M. Fenning.	683		683	683	
487	An Act to authorize the Settlement of the Accounts of James M. Estill and John F. McCauley, arising out of State Prison Matters.	691		691	691	

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Resolution relative to A. B. 112: 497.

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